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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11824/2024

KESHAV GAUTAM

.....Petitioner

Through: Mr Aditya, Mr Kailash Kr Jha, Mr
Anjani Kumar Mishra, Mr Dipak Raj
and Ms.Swagata, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Mr Divyam Nandrajog, ASC and Ms
Surbhi Soni, Advocate for R1 and R2.
Mr. Mohit Bhardwaj, Advocate for
R3.
Mr.Awadhesh Kr Singh, Advocate for
R4 & R5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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28.08.2024

1. The petitioner is a street vendor and has filed the above petition, *inter alia*, praying that he be not disturbed in carrying on his vending activities at the site described as “On the pavement, Near DMS Booth, C-Block, South Moti Bagh, Nanak Pura, South Zone, Ward-S-64, New Delhi”.
2. The petitioner has been issued a Certificate of Vending (COV) by the Municipal Corporation of Delhi. The petitioner has also sought a direction that the nomenclature in the COV be corrected to read as “Stationary Vendor”.
3. The petitioner is, essentially, aggrieved as he is not being permitted to vend at the above site. He is being called upon by the concerned respondents to re-locate from his vending site every thirty minutes. The said stipulation is contained in Clause 11 of the Terms and Conditions applicable to the



COV issued to the petitioner.

4. The petitioner has also sought a direction that he not be removed from his vending site and that he be declared as a “Stationary” Street Vendor.

5. We are not persuaded to accept the same.

6. Admittedly, no specific site was allotted to the petitioner. The petitioner is also not vending from a permanent or semi-permanent structure. Thus, till a decision is taken by the Town Vending Committee (TVC), the petitioner is required to be considered as Mobile Vendor.

7. Having stated the above, we are of the view that the petitioner has highlighted a serious issue that requires consideration by the concerned authorities. Calling upon a Mobile Vendor to move or relocate every thirty minutes would inevitably put higher pressure on the streets, in addition to causing some amount of inconvenience to the vendors.

8. Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*) expressly provides that the COV can be issued under three categories:-

- a. Stationary vendor;
- b. Mobile vendor; or
- c. Any other category as may be specified under the Scheme.

9. Undisputedly, the COV is required to be issued in terms of the Act and thus, must clearly classify the category of the street vendors.

10. It is also noted that the petitioner is engaged in vending goods that fall in the category of “Others”.

11. As noted above, the petitioner has already filed representation with the TVC. It would be necessary for the TVC to take an appropriate decision



in this regard till the survey is completed and a vending plan is put in place.

12. In the meanwhile, we direct that the respondents shall not obstruct or disturb the petitioner from carrying on his vending activities provided, the same are carried on in accordance with the Terms and Conditions of the COV.

13. Accordingly, we dispose of the present petition by directing the concerned TVC to consider the representation moved by the petitioner and take an informed decision. The denial of relief as sought for by the petitioner, by this Court would not preclude the TVC from considering the same.

14. The petition stands disposed of in the aforesaid terms.

VIBHU BAKHRU, J

SACHIN DATTA, J

AUGUST 28, 2024

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Click here to check corrigendum, if any