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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12286/2024 CM APPL. 51058/2024, 51059/2024, 51060/2024

MADHU NARESH & ORS.

.....Petitioners

Through: Mr. Pravin H. Parekh, Sr. Adv.
alongwith Mr. Vishol Prasad, Mr.
Ritika Sethi and Mr. Aman Anand,
Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mohd. Irshad, ASC (GNCTD)
alongwith Ms. Nasreen and Mr.
Kunal Raj, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

03.09.2024

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1. The petitioner has filed the present petition, *inter alia*, praying that the directions be issued to the respondents to allot *tehbazari* sites for carrying on their vending activities.
2. The petitioners claim that they are street vendors and have been carrying on their business at Janpath, New Delhi and the nearby areas for the past two decades. The petitioners also pray that directions be also issued to the respondent no(s). 1 to 3 to constitute a competent/permanent Town Vending Committee (hereafter TVC).
3. Mr. Parekh, learned senior counsel appearing for the petitioners, has drawn the attention of this Court to a letter dated 22.12.2021 sent by the Enforcement Department of New Delhi Municipal Council (NDMC) to a Member of Parliament, informing him that the present TVC is temporary in



nature and has been constituted for the purpose of conducting the survey of street vendors and, therefore, it cannot consider the request for granting permission to carry out vending activities. He submits that directions ought to be issued to the respondents for constitution of a TVC in accordance with law.

4. Insofar as the petitioners' prayer for directions be issued to the respondents for grant of *tehbazari* license is concerned, this Court is unable to accede to the same.

5. Admittedly, the petitioners were not holding *tehbazari* license on the date when the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *Street Vendors Act*) came into force.

6. A survey was conducted in the year 2012 and a list of 628 eligible street vendors was drawn up at the directions of the Court for allotment of 386 *tehbazari* sites that were identified at the material time. Admittedly, the names of the petitioners do not feature in the said list.

7. The petitioners have produced various *challans*, most of them pertain to the period prior to 2012. However, there is one *challan* which is of the year 2024. In this view as well, we are unable to conclude that the petitioners were carrying on vending activities on the date when the Street Vendors Act came into force or have been continuously carrying on vending activities at the sites as mentioned in the petition.

8. It is also material to note that the areas of Indira Chowk and Rajiv Chowk have been declared as no-vending zones.

9. Insofar as the constitution of TVC is concerned, this Court is informed that the process for undertaking the survey of the street vendors is underway. After the survey is complete, the TVC would be constituted



which would also include the representatives of various street vendors.

10. Section 21 of the Street Vendors Act also requires the concerned local authorities to prepare a vending plan in consultation with the TVC. It is apparent that the allocation of *tehbazari* sites to the street vendors is also required to be done in accordance with the vending plan.

11. In view of the above, we consider it apposite to dispose of this petition by directing the respondents to complete the process of survey of the street vendors expeditiously; take necessary steps for constitution of TVC and preparation of a vending plan.

12. It is clarified that the petitioners are also not precluded from participating in the survey and furnishing all material documents to the concerned authorities at the appropriate stage. Needless to state that the concerned authorities shall consider the same at the relevant stage.

13. The present petition is disposed of in the aforesaid terms.

14. Pending applications also stand disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 03, 2024

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