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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12432/2024**
SUSHIL KUMAR

.....Petitioner

Through: Mr Anjani Kumar Mishra and Mr
Akhil Rexwal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondent

Through: Ms Shilpa Ohri, ASC for MCD.
Mr Sushil Raaja, SPC for R4 &
5/UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

05.09.2024

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1. Issue notice. The learned counsel for the respondents accepts notice.
2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to allow the petitioner to peacefully vend at the site described as 'On the footpath, Opposite Shop No. M-35, M Block Market, Greater Kailash-II, South Zone, Ward-S-87, New Delhi', without any hindrance.
3. The petitioner has been issued a Certificate of Vending (COV) which reflects the petitioner's area of vending as 'South Zone, Ward-S-87'. The petitioner is essentially aggrieved by the Terms and Conditions of the COV and, in particular, Clause no.11 of the said Terms and Conditions, which require a mobile vendor to not carry on any vending activities from any fixed place for more than thirty minutes or such time as may be fixed by the



Town Vending Committee (TVC). The petitioner claims that he is a stationary vendor and said clause is not applicable to him.

4. Ms Ohri, the learned counsel appearing on behalf of the Municipal Corporation of Delhi (MCD) submits that the COV issued to the petitioner is an interim COV and the final COV would be issued after the second TVC is constituted, which would include the elected representative of the street vendors. She submits that the petitioner has not been issued any *Tehbazari* license or allocated any fixed site, and, therefore, cannot be considered as a stationary vendor.

5. Admittedly, the petitioner has not been allocated any fixed place for carrying on the vending activities. Therefore, at this stage, we are unable to accede to the petitioner's prayer that he be treated as a stationary vendor and be permitted to vend from a fixed site.

6. This Court is informed that the classification of the street vendors in terms of Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*) will be considered at an appropriate stage by the second TVC in accordance with the vending plan to be prepared under Section 21 of the Act.

7. In view of the above, the learned counsel appearing on behalf of the petitioner submits that he would be satisfied if directions are issued to the respondents to restrain them from interfering with the petitioner carrying on vending activities, subject to the same being conducted in accordance with the COV. The petitioner further prays that directions be issued to the respondent to consider his representation dated 02.09.2024 made to the Commissioner, MCD.

8. The learned counsel for the respondents have no objection to the said



prayers.

9. In view of the above, present petition is disposed of by directing the respondents not to interdict the petitioner from carrying on vending activities, subject to the same being carried on strictly in accordance with law and the COV issued to the petitioner. It is also directed that the representation of the petitioner shall be considered at an appropriate stage by the respondents.

10. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 05, 2024

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Click here to check corrigendum, if any