



\$~76

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

+ W.P.(C) 12842/2024 & CM Nos.53621/2024 & 53622/2024

RAJENDER

.....Petitioner

Through: Mr. Abhishek Saxena, Mr. Singh
Nishant Sanjay Kumar, Mr. Vaibhav,
Mr. Saurav Dewal, Mr. Rahul Marwah,
Mr. Muunish, Mr. Navdeep, Mr.
Prashant Kumar Pandey & Ms.
Kamini, Advs.

Versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Ms. Neeru Vaid, Adv. for R-1.
Mr. Harsh Kumar & Mr. D.P. Singh,
Advs. for UOI.
Mr. Sahil Muunjal, Ms. Rhea Ganndhi
& Ms. Tanisha Verma, Adv. for R-2.
Mr. Mohit Bhardwaj, Adv. for
GNCTD.

Insp. Surendra Kumar, PS Hauz Khas.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

%

12.09.2024

1. Issue notice.
2. The learned counsel appearing for the respondents accept notice.
3. The petitioner claims that he is a street vendor and carrying on his vending activities at a site described as "South Zone, Ward S-62, Hauz Khas, NIFT Front Gate, New Delhi". The petitioner prays that the respondents be restrained from interfering with the petitioner carrying on his vending activities at the said site.
4. The petitioner is aggrieved by the action of the respondents insisting that the petitioner cannot carry on his vending activities at a fixed site beyond a period of thirty minutes.



5. The petitioner has been issued a Certificate of Vending (CoV) which reflects the area of his vending as South Zone, Ward S-62. He has also been issued a Letter of Recommendation (LoR) reflecting his category as “Fixed Location”.

6. The learned counsel appearing for the respondents submit that the category of the petitioner as reflected in the LoR is based on the information as provided by the petitioner and is not on account of any such decision or permission granted by the Municipal Corporation of Delhi (hereafter *the MCD*) to the petitioner to vend from a fixed location.

7. The petitioner, in effect, seeks that he be considered as a stationery vendor. The petitioner’s prayer to the said effect cannot be acceded to at this stage. Admittedly, the petitioner has not been granted a license to vend at a fixed place. The petitioner has been issued the CoV, which expressly requires a mobile vendor to not carry on their vending activities at a fixed site for more than thirty minutes or for such time as may be fixed by the Town Vending Committee (TVC). This Court is also informed that the CoV issued to the petitioner at the current stage is an interim CoV and the final CoV will be issued by the second TVC, which would be constituted after the survey of the street vendors is completed. The TVC would also include the representatives of the street vendors. The petitioner’s prayer that he be issued a CoV reflecting him as a stationary vendor in terms of Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 can only be considered at that stage.

8. The learned counsel for the petitioner submits that the petitioner would be satisfied if the direction be issued to the respondents not to interfere with his vending activities if the same are carried out in terms of the CoV and a further direction be issued to the concerned authority to consider the



representation of the petitioner at an appropriate stage.

9. The learned counsel appearing for the MCD has no objection to the same. He, however, submits that the petitioner is not carrying on his vending activities from the space allotted to the petitioner, that is, 6'x4' but has usurped a larger space.

10. In view of the above, we dispose of the present petition by directing that the petitioner shall not be interdicted or interfered from carrying out his vending activities subject to the petitioner, complying with the terms and conditions of the CoV. The concerned authority shall also consider the petitioner's representation at an appropriate state.

11. The petition is disposed of in the aforesaid terms. Pending applications are also disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 12, 2024

'gsr'

[Click here to check corrigendum, if any](#)