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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13955/2024 & CM APPL. 58394/2024 STAY**
PRAKASH BAWARIYA AND ANR.Petitioners

Through: Mr. Aditya Kasuhik, Adv.

versus

**GOVERNMENT OF NCT OF DELHI AND
ORS.Respondents**

Through: Ms. Avni Singh, Panel Counsel
with Mr. Sahil Sharma, Adv for
R-1.
Mr. Vivek Nagar, GP for UOI.
Mr. Sriharsha Peechara, St.
Counsel with Mr. Akshat
Kulshreshtha, Mr. D.S.
Bhanu and Ms. Arsheiya
Munja, Advs. for NDMC.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **04.10.2024**
CM APPL. 58395/2024 (EXEMPTION)

Allowed, subject to all just exceptions.

This application stands disposed of.

W.P.(C) 13955/2024 & CM APPL. 58394/2024 STAY

1. The instant writ petition has been preferred seeking the following reliefs:-

“(a) Issue a writ or direction in the nature of mandamus directing to the respondent no. 2 & 3 to enforce the permission UNDER SECTION- 225 OF THE NDMC ACT, 1994 via letter no.D/56/V.C./S.O.(Enf.)/2013 dated 18.01.2013 and letter No. D/115 /V.C./S.O.(Enf.)/2013 Dated: 29.01.13 respectively giving the possession of Tehbazari site No. site no 166 space no. 299 to



petitioner no.1 and site no. 144 space no. 59 at Sarojini Nagar Market to petitioner no.2 till the Certificate of Vending is granted by the Town Vending Committee to the petitioners.

OR

Issue a writ or direction in the nature of mandamus directing to the respondents not to evict or dispossess the Petitioners from their existing vending site in front of Shop No. 10, and opp. to shop no. 130 Subzi Mandi, Sarojini Nagar, New Delhi & Petitioner No. 2 Vending in Front of Shop No. 66, Near Keshav Park, Sarojini Nagar, Market New Delhi-110023 under the mandate of section 3(3) of the Act to prevent further damage of livelihood of Petitioners belonging to economically weaker section of society.

OR

Issue a writ or direction in the nature of mandamus directing to the respondents to provide similar relief on ground of parity as direction passed by this Hon'ble Court vide order dated 28.05.2024 passed in WPC No. (C) No. 7915/2024 and another order dated 26.04.2024 and 06.08.2024 passed in W.P.(C) No. 4792/2024.

(b) Issue a writ or direction in the nature of mandamus directing to the respondents to declare Sarojini Nagar Market, New Delhi as natural market in view of section 2(e) of the Act read with First Schedule of the Act and Plan for street vending at Point a, b and c.”

2. We take note of the earlier writ petition being W.P(C) 11582/2024 which came to be instituted by the writ petitioner and was ultimately disposed of on 22 August 2024 in the following terms:-

“1. The petitioners have filed the present petition, inter alia, praying that respondentnos.2&3 be directed to restore the possession of Tehbazari site described as “Site No.166, Space No.299 and Site No.144,Space No.59, at Sarojini Nagar Market, New Delhi” till the Certificates of Vending(COVs) are granted to them.

2. The petitioners stated that they have applied to the New Delhi Municipal Council (NDMC) for allotment of space. After some investigation, it was found that they were eligible for the allotment and their names were included in the list of 628 street vendors prepared by the NDMC.

3. The petitioners were thereafter informed as to the criteria adopted for allotment of spaces and further informed that the draw of lots for allotment of 386 space would be carried out on 10.05.2012.



4. On 23.05.2012, petitioner no.2 was informed that the draw of lots was held on 10.05.2012 and she was successful in securing the allotment of a *tehbazari* space. She was asked to furnish certain documents for Identification within the stipulated period. The petitioners state that petitioner no.1 was also informed that he along with petitioner no.2 was successful in the draw of lots. Both the petitioners were issued allotment of letters and were asked to pay the requisite *tehbazari* fees and take possession of the respective spaces allotted to them. However, the possession of the spaces was not handed over to the petitioners.

5. The petitioners' claim that the NDMC has handed over possession of the spaces allotted to them to other street vendors.

6. The learned counsel appearing on behalf of the NDMC submits that the allotment of the spaces was stayed by the Supreme Court. Thus, the exercise was never completed and was abandoned.

7. In view of the above, the relief sought for by the petitioners cannot be granted. This Court is informed that after the survey is completed, and the Second Town Vending Committee (TVC-II) is constituted, a vending plan would be prepared. The question of allotment of spaces can be considered at that stage.

8. It is clarified that the petitioners are also not precluded from applying for the allotment of *tehbazari* spaces at an appropriate stage. Needless to state that if any such application is moved, the same would be considered in accordance with law.

9. The petition stands disposed of in the aforesaid terms. Pending application also stands disposed of.”

3. In view of the aforesaid, we find no justification to entertain the instant writ petition. The petition shall stand dismissed.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 4, 2024/ib