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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 14834/2024 & CM APPL. 62311/2024

MAHESH KUMAR YADAV

.....Petitioner

Through: Petitioner in person.

versus

TOWN VENDING COMMITTEE THROUGH ITS
CHAIRMAN

.....Respondent

Through: Mr. Sriharsha Peechara, SC with
Mr. Akshat Kulshreshtha and Mr.
D.S. Bhanu, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

22.10.2024

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1. The petitioner has filed this petition under Article 226 of the Constitution for a direction against the respondent - Town Vending Committee, to decide his representation dated 13.09.2024, and pass a speaking order.

2. The petitioner's representation has purportedly been filed pursuant to an order dated 15.01.2024 passed by the Division Bench in a writ petition filed by him [W.P.(C) 15550/2023, *Mahesh Kumar Yadav v. Director Enforcement North Anr.*]. The said petition was directed against an order of New Delhi Municipal Council ["NDMC"] dated 22.11.2023, rejecting the petitioner's representation that he be recognised as an authorised street vendor in the Janpath area. While dismissing the writ petition, the Division Bench has observed as follows:

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“6. Apart from the above, we are also unable to accept that any relief can be granted to the petitioner to permit him to vend within the specified area.

*7. This is because, admittedly, the petitioner’s name does not feature in the list of 628 persons, who are permitted to vend under protective orders in their favour. Thus, **the petitioner cannot be permitted to vend within the NDMC area unless the survey is conducted by the concerned TVC.***

*8. **In so far as the directions to include the petitioner in survey is concerned, the said relief has already been granted. The petitioner is at liberty to file all documents in support of his claim before the concerned TVC. Needless to state that the same shall be duly considered.***

9. We find no grounds to interfere with the impugned order (speaking order dated 22.11.2023) whereby the petitioner’s representation was disposed of.”

[Emphasis supplied.]

3. Eight months after this order was passed, the petitioner has filed the representation dated 13.09.2024 with the following prayer:

*“In view of the aforesaid facts and circumstances, the undersigned requests to your good office through this representation-cum-complaint-application, **to kindly allow the undersigned for squatting vending on his vending site** or in alternative to remove the vending sites of the aforesaid persons and take necessary legal actions against the erring officials of N.D.M.C. as well as the aforesaid persons.”*

[Emphasis supplied.]

4. This representation appears to be based upon a misreading of the order of the Division Bench. The Division Bench has already held that the petitioner cannot be permitted to vend within the specified area, but has permitted him to make his claim, supported by necessary documents, before the Town Vending Committee at the stage of survey. The survey has not yet been conducted, and the petitioner’s representation clearly seeks to revisit the decision of NDMC, which has already been upheld by the Division Bench. Such a course was not contemplated by the said



order.

5. Mr. Sriharsha Peechara, learned counsel for Town Vending Committee, who appears on advance notice, states that as and when the survey is conducted, the petitioner will be free to make his claim with supporting documents, which will be considered in accordance with law.

6. The petition, alongwith the pending application, is disposed of, with these observations.

PRATEEK JALAN, J

OCTOBER 22, 2024
SS/