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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5466/2024 CM APPL. 22546/2024**

LEELWATI AND ANR.

..... Petitioners

Through: Mr.N.K.Sahoo, Advocate.

versus

NEW-DELHI MUNICIPAL COUNCIL AND ORS.

..... Respondents

Through: Mr. Sriharsha Peechara, Standing
Counsel for NDMC with Ms. Devika
Mohan, ASC, Ms. Harshita Gupta,
Mr. A. Kulshreshtha and Mr.
Shubham Mishra, Advocates

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

16.04.2024

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1. Issue notice.
2. Learned counsel for the respondent accepts notice.
3. The petitioners have filed the present petition *inter alia* praying that the directions be issued to the respondent nos. 1 and 3 for substitution of the petitioner's name as the legal heir of the deceased husband Daya Ram S/o Shiv Prasad Singh.
4. The petitioner claims that her deceased husband Daya Ram was carrying on vending activities outside A-Block, Near Oriental Bank of Commerce, Connaught Place, New Delhi, presently known as Illusion Museum. The petitioner no. 1's husband's name also features in the list of 628 street vendors which was prepared at the material time for considering allotment of *Tehbazari* sites.
5. Mr Sahoo, learned counsel appearing for the petitioner relies on the



order dated 19.10.2022 passed by this Court in W.P.(C) 14815/2022 captioned *Ati Wool vs. New Delhi Municipal Corporation* whereby the respondents were directed to consider the petitioners representation. Mr Sahoo submits that the facts obtaining in the said case were similar to those as obtaining in the present case.

6. In so far as substitution of the petitioner in place of her deceased husband is concerned, it is material to note that there is no site allotted to the petitioner's deceased husband and therefore there is no question of substituting the petitioner as the right holder in respect of any site. The list of 628 street vendors was prepared at the material time on the basis of claims made by the street vendors that they were carrying on vending activities at the material time. The list was prepared to allocate 386 *Tehbazari* sites that were available at the material time. The said exercise of conducting a lottery for allotment of sites has since been abandoned. Thus, featuring in the list of 628 street vendors does not accord any special rights to such street vendors. However, there are some protective orders which enure to benefit of some of those street vendors that are continuing.

7. In so far as the area of Connaught Place is concerned, the same has been declared as a no-vending no-hawking zone and thus street vendors are not permitted to vend in the said zone. Substitution of the petitioner in place of her deceased husband in the list of 628 persons would not *ipso jure* give any right to the petitioner to vend in a no-vending zone.

8. Having stated above, it is not disputed that the petitioner would have a right to participate in the survey, that is required to be conducted shortly and put forth a claim of carrying on street vending activities.

9. In view of the above, we direct that the concerned TVC/authority



shall consider the petitioner's claim of benefit of the street vending activities carried on by her deceased husband at an appropriate stage. The petitioner is also not precluded from making a representation to the aforesaid effect before the concerned TVC/authority.

10. The petition and all pending applications are disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 16, 2024

g.joshi

Click here to check corrigendum, if any