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

+ **W.P.(C) 15296/2024**

MOHAMMAD SAGIR

.....Petitioner

Through: Mr. Aditya, Ms. Anjani Kr.
Mishra, Mr. Dipak Raj & Mr.
Kailash Kr. Jha, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND

ORS

.....Respondents

Through: Mr. Varun Chandiok, Mr. Alok
Kumar & Ms. Anubhi Goyal,
Advs. for Resp./ MCD.
Ms. Hetu Arora Sethi, ASC
with Mr. Arjun Basra, Adv. for
R-5.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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29.10.2024

CM APPL. 64248/2024 (Lengthy Synopsis & List Of Dates)

Allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 15296/2024

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

“I. Pass an Order directing the respondent, Municipal Corporation of Delhi to declare the petitioner a Stationary Street Vendor in terms of Section 6 of the Act.

II. Pass an order directing the respondent to correct the nomenclature in the column for type of vendor from **Others** to **Stationary Street vendor** as detailed in the vending certificate issued to the petitioner.



III. Pass an order quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationery street vendor.

IV. Pass an order declaring the action of the MCD & Police to seize the goods of the petitioner as illegal and arbitrary.

V. Pass an order directing the respondents to release the goods of the petitioner seized by the MCD on 21.10.2024 from the vending site of the petitioner.

VI. Pass an order directing the Commissioner, Municipal Corporation of Delhi, respondent no.1 to issue direction to all the zones of the MCD to follow the procedure laid down under the Street Vendors Act, 2014 and Street Vendors Scheme, 2019 for seizure of the goods of the street vendors.

VII. Pass an order directing the respondents to allow the petitioner to vend peacefully at his vending site i.e., on the footpath, beside Gate no. 7, G.B. Pant Hospital, City SP Zone, Ward-88-N without any disturbance as the petitioner is a disabled person.

VIII. Impose exemplary cost upon the respondent no. 3 & 4 for acting in violation of the Order passed by the Hon'ble High Court and for seizing the goods of the petitioner in violation of the provisions of the Street Vendors Act, 2014 and Street Vendors Scheme, 2019

IX. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case."

2. We note that the writ petitioner had earlier approached this Court by way of W.P. (C) No. 12868/2024, and which came to be disposed of on 16 October 2024 in the following terms:

"1. This petition has been preferred seeking the following reliefs:

"I. Pass an order declaring the action of the MCD to seize the goods of the petitioner as illegal and arbitrary.

II. Pass an order directing the respondents to release the goods of the petitioner seized by the MCD on 05.09.2024 from the vending site of the petitioner.

III. Pass an order directing the Commissioner, Municipal Corporation of Delhi, respondent no.1 to issue direction to all the zones of the MCD to follow the procedure laid down under the Street Vendors Act, 2014 and Street Vendors Scheme, 2019 for seizure of the goods of the street vendors.

IV. Pass an order directing the respondents to allow the petitioner to vend peacefully at his vending site i.e., on the



footpath, beside Gate no. 7, G.B. Pant Hospital, City SP Zone, Ward-88-N without any disturbance as the petitioner is a disabled person.

V. Impose exemplary cost upon the respondent no. 3 & 4 for acting in violation of the Order passed by the Hon'ble High Court and for seizing the goods of the petitioner in violation of the provisions of the Street Vendors Act, 2014 and Street Vendors Scheme, 2019

VI. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case."

2. The respondents have placed before us material to show that the petitioner had violated the terms and conditions of the Vending Certificate. We are informed that the licence had required the petitioner to be mobile and undertake stationary vending activity only for a period of 30 minutes. It is the violation of these conditions which seems to have led to the seizure of goods.

3. In view of the aforesaid, we find no ground to grant the relief as prayed. The writ petition is dismissed. This order, however, shall not preclude the petitioner from seeking return of the seized articles subject to an appropriate undertaking being furnished before the respondents."

We find from a reading of the order passed on that writ petition that the petitioner had not sought any relief to change the category of the Vending Licence which had been granted to him.

3. The petitioner claims to be a physically challenged street vendor and in support of that status also refers to the disability certificate which has been placed on our record as Annexure P2. The Vending Certificate granted to him, however, and while describing the category in which the petitioner stands placed recites it as falling under 'Others'.

4. We find that in terms of Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the respondents while issuing the Certificate of Vending are liable to categorize all street vendors either as "stationary vendor",



“mobile vendor” or any “other category” as may be specified in the Scheme. We are presently not apprised of the nature of activities which a vendor placed in the residual category could undertake in terms of the scheme that may have been promulgated by the respondents.

5. Notwithstanding the above, and bearing in mind the prayer as made by the writ petitioner, we direct the concerned **Town Vending Committee**¹ to examine the application of the petitioner for change in the category in which it stands placed in accordance with law.

6. The aforesaid exercise may be undertaken with due expedition and a decision communicated to the petitioner within a period of three weeks from today. It will be open for the concerned TVC to examine the prayer for re-categorization as well as the placement of the petitioner in an appropriate zone.

7. This order, however, shall not be construed as a direction of the Court to accord priority to the claim of the writ petitioner over others which are stated to be presently forming subject matter of consideration of the TVC.

8. Subject to the aforesaid observations, this writ petition shall stand disposed of.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

OCTOBER 29, 2024/kk

¹ TVC