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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17605/2024 & CM APPL.74895/2024

GYAN DATT PANDEY

.....Petitioner

Through: Mr. Sanjay Kumar, Adv.
(M:8851145382)

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Ms. Puja S. Kalra, Standing Counsel
MCD with Mr. Virendra Singh, Adv.
(M:9312839323)
Mr. Vivek Sharma, Sr. Panel Counsel
with Ms. Prerna Singh, Adv. for R-
2/Delhi Police. (M:9810418275)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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20.12.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Gyan Datt Pandey under Article 226 of the Constitution of India seeking directions against the Respondents-Municipal Corporation of Delhi (hereinafter 'MCD') and Commissioner of Police, not to harass and disturb the Petitioner, or intervene with the vending activities of the Petitioner.
3. The case of the Petitioner is that he was granted with a Street Vending Certificate dated 26th November, 2021 in terms of Section 4 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. According to the Petitioner, between September, 2024 to December, 2024, officials of the Respondents created hindrance in smooth vending activities of the Petitioner.
4. Ld. Counsel for the Petitioner relies upon a similar order dated 14th



February, 2023 passed by a Coordinate Bench of this Court in other writ petitions including ***W.P.(C) 1876/2023 titled as “Rashid Khan vs. Municipal Corporation of Delhi & Ors..***

5. Ld. Counsel for the Respondents submit that the certificate itself shows that the same is for Shahdara, South Zone, Ward-12E, which is a large area. The Petitioner is not a stationary vendor but a mobile vendor and as long as he adheres to the conditions of vending, there would be no issue.

6. A perusal of the vending certificate itself shows that the place where the vending certificate has been given is a large area and it is not a specific spot, which has been allotted to the Petitioner for vending. Some of the conditions stated in the vending certificate itself are as under:

“1. Vendor shall not have any other permanent or long-term vending certificate.

3. It is mandatory for the vendor to follow the vending period and zone as determined by TVC or local body.

11. Mobile vendors shall not stay or vend more than 30 minutes or time prescribed by the TVC at place in a vending/squatting zone.

14. Vendor shall not build or construct any kind of permanent or temporary structure at vending site.”

7. A perusal of the above conditions would show that the Petitioner is not permitted to make any temporary or permanent structure at the vending sites. The vendor can, merely, do mobile vending and not claim any permanent rights. Even in the order dated 14th February, 2023 passed in ***W.P.(C) 1876/2023*** relied upon by the Petitioner, the Coordinate Bench of this Court has directed as under:

“In view of the foregoing, the present writ petition is partly allowed, and the Municipal Corporation of



Delhi is directed to permit Mr. Rashid Khan, to vend within South Zone, Ward-S-67, subject to the terms and conditions of the said certificate of vending dated 06.11.2021, without let or hindrance.

Needless to state that the petitioner will be at liberty to articulate the difficulties faced by him, before the appropriate authorities, in accordance with law, in relation to the certificate of vending, insofar as it employs the expression 'Others'."

8. In the background facts and circumstances, it is directed that the Petitioner shall continue to vend within the Shahdara, South Zone, Ward-12E area as per his vending certificate and he shall strictly abide by the conditions of vending, which are stipulated in the said certificate at pages 16, 17 & 18 of the present petition including the conditions as extracted above. Subject to this condition, the Petitioner shall not be harassed in his vending activities.
9. The writ petition is disposed of in the above terms.
10. *Dasti.*

PRATHIBA M. SINGH, J

AMIT SHARMA, J

DECEMBER 20, 2024/dk/ks/sc