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

+ **W.P.(C) 240/2025**

VIJAY PAL SHARMA AND ORS.

.....Petitioners

Through: Mr. Abhay Kumar, Mr. Shagun Ruhil
and Mr. Karan Chopra, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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10.01.2025

CM APPL. 1154/2025

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(C) 240/2025

1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioners seeking following reliefs:

“a. Call for the records from the Respondent No.1/MCD;and

b. issue an appropriate Writ/ Order/Direction by quashing and setting aside order dated 13.08.2024 having No. 7789 AC/KBZ/2024 issued/passed by the Respondent No.1 along with it minutes of meeting dated 10.07.2024 (Annexure P/1 Colly);and

c. issue an appropriate Writ/ Order/Direction including writ of mandamus directing the Respondent No1. to make suitable correction with regard to the category of street vendors and specifically indicating Petitioners as ‘stationary vendors’ in



the Certificate of Vending (COV) and direct the Respondent No.1 to issue fresh Certificate of Vending (COV) to the Petitioners reflecting proper and correct vendor category i.e. stationary vendors in terms of Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014;and

d. Issue an appropriate Writ in the nature of Mandamus or Order/Direction directing the Respondent No.1 to declare the Petitioners are 'Stationary Vendors' and rectify the same in the Certificate of Vending issued to the Petitioners. ;and

e. Issue an appropriate Writ in the nature of Mandamus or Order/Direction directing the Respondent No.1 to not treat the Petitioners as 'Mobile Vendors' as their respective Certificate of Vending (COV) mentions their category as 'Others'; and

f. Issue an appropriate Writ in the nature of Mandamus or Order/Direction directing the Respondent No.1 to clarify that Clause 11 of the Terms and Conditions mentioned on the Certificate of Vending (COV) shall not be applicable upon the Petitioners; and

g. Issue an appropriate Writ in the nature of Mandamus or Order/Direction directing the Respondent No.1 to temporarily permit the Petitioners to squat/vend at places mentioned in terms of Letter dated 14.10.2021 (ANNEXURE P/1) issued by the Respondent No.1 or any other suitable place with appropriate directions to other Respondents also prohibiting them from disturbing the Petitioners for carrying out vending work, till the decision of the Town Vending Committee (TVC) so that Petitioners can earn their respective livelihood; and h. Pass such other order or orders as may be deemed fit and proper in the facts and circumstances of the instant case.”

2. Learned counsel appearing on behalf of the petitioners submitted that the petitioners have been vending at Ajmal Khan Road, Karol Bagh at their respective designated places since 2007. On 14th October, 2021, the



petitioners were relocated to 10 different places on temporary basis and the said action of relocation was kept in abeyance by the competent authority.

3. Learned counsel appearing on behalf of the petitioners submitted that since the respondents did not allow the petitioners to vend at their designated places, which have been relocated by the respondents itself and the same were kept in abeyance, the petitioners filed representation before the Town Vending Committee (herein referred to as “TVC”) and vide the impugned order dated 13th August, 2024, the TVC decided the representation in terms of the order dated 20th February, 2024 passed by the Predecessor Bench of this Court in W.P.(C) 2486/2024 and other connected petitions.

4. Learned counsel appearing on behalf of the petitioners further submitted that the impugned order was passed by the TVC, thereby, temporarily declaring the petitioners as mobile vendors without assigning any appropriate reasons or without considering any documents related to the petitioners.

5. Learned counsel appearing on behalf of the petitioners vehemently submitted that neither of the vending work, in which the petitioners are involved, fall under the “mobile vendors” category. It is submitted that without there being a proper categorization of the vendors category, hindrance is being created in their work and the same is depriving them of their right to earn their livelihood. It is submitted that in view of the facts and circumstances, this Court may set aside the impugned order and treat the petitioners as stationary vendors.

6. *Per contra*, learned counsel appearing on behalf of MCD appeared on advance notice and vehemently opposed the instant writ petition. She has



also taken preliminary objection on the maintainability and submitted that as per Section 11 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, the petitioners may approach the appellate authority by way of filing an appeal under Section 11 of the said Act.

7. Learned counsel appearing on behalf of MCD further submitted that the TVC is a competent committee and has rightly reached on the conclusion that the petitioners shall be treated as mobile vendors on temporary basis and the same is in accordance with law. Thus, it is prayed that the instant petition may be dismissed as not maintainable.

8. Heard learned counsel appearing for the parties and perused the contents made in the instant petition as well as the documents on record. We have also perused the impugned order.

9. We have taken into consideration the preliminary objection made by learned counsel for the MCD that in terms of Section 11 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, the petitioners may approach the appellate authority against the decision of the TVC. The aforesaid provision reads as under :

“11. (1) Any person who is aggrieved by any decision of the Town Vending Committee with respect to issue of certificate of vending under section 6 or cancellation or suspension of certificate of vending under section 10 may prefer an appeal to the local authority in such form, within such period, and in such manner, as may be prescribed.

(2) No appeal shall be disposed of by the local authority unless the appellant has been given an opportunity of hearing.”

10. Perusal of the aforesaid provision states that any person aggrieved by



any decision of the TVC may prefer an appeal before the authority concerned. In view of the same, this Court is of the view that the petitioners have the statutory right and liberty to file an appeal against impugned order passed by the TVC.

11. In view of the above, the petitioners are directed to file an appeal in accordance with Section 11 of the aforesaid Act before the concerned appellate authority within ten days from today. The concerned appellate authority is directed to consider the interim protection, if any, to be granted to the petitioners expeditiously, in accordance with law, preferably within two months.

12. Accordingly, the instant petition is dismissed with the liberty to approach the concerned appellate authority. Pending applications, if any, also stands dismissed.

CHANDRA DHARI SINGH, J.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 10, 2025/R

Click here to check corrigendum, if any