



\$~10

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

+ **W.P.(C) 1575/2024 & CM No.6551/2024**

KHEM RAJ

.....Petitioner

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

Versus

NEW DELHI MUNICIPAL COUNCIL AND ANR.....Respondents

Through: Mr. Raghuinder Varma & Mr.

Nirvikar Verma, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

%

20.02.2025

1. The petitioner has filed the present petition, *inter alia*, praying as under:

“(a) To issue a writ of mandamus or appropriate writ or direction or order directing the respondent No-1 to bound itself to the writ petitions being classified as category in the affidavit dated 28.04.2012 filed before the Hon’ble Supreme Court in WRIT PETITION No 1699/1987 in the matter of :- Gainda Ram V/s MCD and allow the petitioner herein along with the petitioner No1 of the Writ Petition No 4373/2011 in the matter of :- Basanti &Ors Vs NDMC which is listed at Sl. No 563 of 628 list as the petitioner herein was arrayed as petitioner No-3 in writ petition No 4373/2011;”

2. It is the petitioner’s case that 628 persons, who were found eligible for allotment of *tehbazari* spaces in the year 2012, have been accorded certain protection by various courts and the petitioner be also treated at par with those persons.

3. It is the petitioner’s case that he had also filed a writ petition [being W.P.(C) No.4373/2011] and obtained certain interim orders at the material time. He, therefore, states that the criteria fixed for determining the eligible



street vendors, on the basis of which list of 628 street vendors was prepared, is also satisfied by the petitioner and his name should also be included in the said list.

4. It is material to note that the list of 628 street vendors, who at the material time were found eligible for allotment of 386 *tehbazari* spaces, was prepared in the year 2012. It was proposed that the *tehbazari* then identified as available *tehbazari* spaces be allocated on the basis of draw of lots. However, that process was abandoned.

5. The said list is now refined to for the limited purpose of ascertaining whether the street vendors who claim relief of restraining the concerned authorities from evicting them were carrying on their vending activities as on 01.05.2014 being the date on which the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 [hereafter *the Act*] came into force. This is in the context of Section 3(3) of the Act which stipulates that no street vendor shall be evicted or relocated till the survey under Section 3(1) of the Act is completed and a certificate of vending is issued to the said vendor. Thus, the street vendors, whose names are mentioned in the list of 628 street vendors, and who are otherwise able to establish that they were carrying on their vending activities as on 01.05.2014 and thereafter, have been granted certain protection as stipulated under Section 3(3) of the Act.

6. At this stage, there is no question of including any other person in the list of 628 street vendors after a lapse of twelve years. In the meantime certain street vendors have been issued Certificate of Vending (CoV), which permit them to carry on vending activities subject to the terms and conditions specified therein. Further, certain street vendors have not been



found in subsequent surveys and thus may not be entitled to protection, notwithstanding that they were vending as on 01.05.2014. Accordingly, we find no merit in the present petition. However, we clarify that in the event the petitioner is able to establish that he was carrying on his vending activities as on the date when the Act came into force and is otherwise able to establish that he is a *bonafide* vendor and has carrying on his vending activities since then, the protection as available subject to other considerations, would also be granted to the petitioner.

7. The petition is disposed of in the aforesaid terms. Pending application is also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 20, 2025

‘gsr’

[Click here to check corrigendum, if any](#)