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

+ **W.P.(C) 1890/2025**

MOHAN LAL

.....Petitioner

Through: Mr. Sanjay Baniwal & Ms. Manisha,
Advocates alongwith Petitioner-in-
Person.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS.**

.....Respondents

Through: Mr. Umang Tyagi- ASC-MCD with
Ms. Aditi Kapoor, Advocates for
Respondent No.1/MCD.
Mr. Mukul Singh-CGSC with Ms. Ira
Singh & Mr. Aryan Dhaka,
Advocates for Respondent No. 2 &
3/DCP & The SHO respectively.
Mr. Abhinav Sharma, Ms. Avsi Malik
& Ms. Aakriti Jain, Advocates for
Respondent No.4/Government of
NCT of Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

14.02.2025

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1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents not to disturb the petitioner from carrying on his vending activities at the site described as pavement near 13/30 WEA, Rachna Building, Ajmal Khan Road, Karol Bagh, New Delhi



(Karol Bagh Zone, Ward-102-N) till the time his representation dated 25.04.2024 is decided.

2. This is the third round of litigation preferred by the petitioner seeking essentially the same relief.

3. The petitioner claims that he has been carrying on his vending activities at the given site since prior to 2007. He had approached this court by filing a writ petition being W.P.(C) 6025/2016, *inter alia*, seeking directions be issued restraining the respondents from dispossession of his place of vending. The said petition was disposed of by a common order dated 19.12.2016 as the petitioner withdrew his petition. It is material to note that a statement was made on behalf of the petitioner that he will occupy an area of not more than the prescribed area of 6ft X 4ft and comply with all norms of the South Delhi Municipal Corporation (since merged with Municipal Corporation of Delhi).

4. Thereafter, the petitioner filed another petition being W.P.(C) 4922/2024 captioned '*Mohan Lal v. Municipal Corporation of Delhi and Ors.*' praying that the Certificate of Vending (CoV) issued to the petitioner be rectify to reflect that he is a Stationary Street Vendor. This court rejected the said contention principally on the ground that the petitioner was not allotted any fixed site, and therefore, was required to be considered as a Mobile Vendor. The court had also noted the stand of the respondents that the classification of Street Vendors under the three categories, namely, Stationary vendors; Mobile vendors or any other category would be made at the stage of framing an appropriate vending plan under Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Street Vending Act*). At that stage, the petitioner has



requested his representation be considered and at the interim stage, he be permitted to continue his vending activities strictly in accordance with the CoV which requires the street vendors not to carry on their vending activities at the specific site for more than thirty minutes or such time as may be fixed by the Town Vending Committee (TVC).

5. In view of the above, the said petition was disposed of with a direction that the petitioner would not be interdicted in carrying on his vending activities subject to the same be carried out strictly in accordance with the CoV. The order dated 04.04.2024 disposing of the said petition is set out below:

“1. The petitioner has filed the present petition, inter alia, praying that he be permitted to peacefully vend at a site described as *“pavement near 13/30 WEA, Rachna Building, Ajmal Khan Road, Karol Bagh, New Delhi (Karol Bagh Zone, Ward - 102- N)”*. The petitioner also prays that the Certificate of Vending (COV) issued be rectified to reflect its type as *“Stationary Street Vendor”*.”

2. Admittedly, no specific site has been allotted to the petitioner. Further the petitioner is not vending from a permanent or a semi-permanent structure. Thus, till any decision is taken by the concerned Town Vending Committee (TVC) with regard to allocating any fixed site, the petitioner is required to be considered as a Mobile Vendor.

3. In terms of the provision of Section 6(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter “the Act”), the street vendors can be classified under three categories:-

- a. Stationary vendor;
- b. Mobile vendor; or
- c. Any other category as may be specified under the Scheme.

4. It is contended on behalf of the respondents that the question of classifying the street vendors would be considered by the second Town Vending Committee to be constituted shortly (TVC-II) and at the stage of framing an appropriate vending plan.



5. The issue as to the interim arrangement required to be made prior to the Second TVC classifying the street vendors is being considered in another petition.

6. In the present case, learned counsel for the petitioner submits that the petitioner would be satisfied if the TVC is directed to consider his representation and, in the interregnum, be permitted to continue his vending activities strictly in accordance with the COV, which requires street vendors to not carry on vending activities at a specific place for more than thirty minutes or such time as may be fixed by the TVC.

7. Learned counsel appearing for the MCD submits that he has no objection to an order passed to the aforesaid effect.

8. In view of the above, we dispose of the petition by directing the concerned TVC to consider the petitioner's representation and take an appropriate decision till the survey is completed and a vending plan is put in place by MCD in consultation with TVC-II.

9. In the meantime, the petitioner would not be interdicted from carrying on his vending activities provided the same are carried on in accordance with the terms and conditions of the COV issued by the TVC.

10. The petition is disposed of in the aforesaid terms."

6. The petitioner has once again approached this court with the similar relief praying that he not be disturbed from carrying on his vending activities from the given site.

7. Ajmal Khan Road has been declared as a no vending and no hawking zone on account of its project for pedestrianization of the said area. Clearly, the petitioner cannot be permitted to vend at the site as mentioned by the petitioner.

8. In view of the above, the relief as sought for by the petitioner cannot be granted.

9. The Court is also informed that the representation made by the petitioner would be considered by the second TVC which would be



constituted after the survey is completed and the constituent representatives of the street vendors are elected in accordance with the Street Vending Act.

10. In view of the above, the prayers made in the present petition cannot be acceded to. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 14, 2025/tr

Click here to check corrigendum, if any