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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2199/2025 & CM APPL. 10367-68/2025**
NAND KISHOR

.....Petitioner

Through: Mr Bharat Aggarwal, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.

.....Respondents

Through: Mr Sriharsha Peechara, SC, Mr
Mananjay Kumar Mishra, ASC, Mr
Akshat Kulshrestha and Mr D S
Bhanu, Advocates for NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

20.02.2025

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1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to change his vending site as offered to the petitioner in terms of the order dated 19.12.2024 passed by the respondents.
2. The petitioner is a street vendor and claims to have been carrying on vending activities at the site described as "Near Gate No.4, Palika Bazar, New Delhi" since the year 2004. The petitioner's name also features in the list of 628 (six hundred and twenty eight) vendors who were considered for allotment of the *tehbazari* spaces in the year 2012. However, the process of allocating the said space by draw of lots was abandoned pursuant to the subsequent orders passed by the court.



3. The petitioner claims that he is a *bonafide* vendor and carrying on his 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; and claims that by virtue of Section 3(3) of the Act, he cannot be evicted.

4. Prior to the filing of the present petition, the petitioner had filed another petition, being W.P.(C) No.9217/2024 captioned *Nand Kishor v. New Delhi Municipal Council & Another* praying that the respondents be directed to allocate another vending site to the petitioner since the site where the petitioner was vending was declared as a no-vending/no-hawking zone.

5. Undeniably, the areas of Rajiv Chowk and Indira Chowk have been declared as no-hawking/no-vending zone as per the scheme prepared in the year 2007 and thus the petitioner could not carry on his vending activities in the said area. Notwithstanding the same, this court *vide* an order dated 09.07.2024 considered it apposite to permit the petitioner to file an application to the concerned authorities for allotment of an area, as a temporary measure, where he can carry on his vending activities. The said order was passed on the basis that the petitioner's name featured in the list of eligible vendors for draw of lots to be conducted for allocation of *tehbazari* space in the year 2012 and the petitioner had produced the challan, which indicated that at least in the year 2016, the petitioner was carrying on vending activities. It is material to note that New Delhi Municipal Council (NDMC) had stoutly contested the petitioner's claim essentially on two grounds. First, that the petitioner was an unauthorised vendor and carrying on his vending activities, if at all, at Gate No.4, Palika Bazar, New Delhi



was in violation of the scheme framed in the year 2007. Thus he had no right for claiming the alternative *tehbazari* site. Second, it was submitted that the petitioner was not carrying on vending activities since the last eight years and, therefore, could not claim any right to be allotted any space for carrying on his vending activities.

6. Notwithstanding the aforesaid submissions, this court had acceded to the petitioner's request and directed that concerned authorities to consider the petitioner's application for allotment of an area from where he could carry on the vending activities in accordance with stipulated norms (Open to Sky / 6 X 4 Feet) space. The court also clarified that this was purely on temporary basis till a vending plan is prepared and put in place under Section 21 of the Act.

7. Pursuant to the said order, NDMC had allocated the vending site to the petitioner at Laxmi Bai Nagar Market, New Delhi. The petitioner, is thus, at liberty to carry on his vending activities from the place allocated at Laxmi Bai Nagar Market. The learned counsel for the petitioner states that the new allocated place does not have sufficient footfall for carrying on vending activities by the petitioner and the petitioner, now seeks that the vending site be changed and he be accommodated at Mohan Singh Market.

8. We are unable to accept that any such direction can be issued. At this stage, no space can be allocated for vending to the street vendors as a vending plan has not been prepared as yet. The space allocated to the petitioner is only a temporary measure to enable the petitioner to carry on his vending activities. The petitioner had no right to vend his wares in the no vending/no hawking area and has no right to resist eviction from that



area. The petitioner has no right to carry on vending activities at Mohan Singh Market.

9. In view of the above, the present petition is dismissed. However, it is clarified that this would not preclude the petitioner from participating in the survey, which is going on and to seek allotment of the space at an appropriate stage in accordance with law. Pending applications are also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 20, 2025

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Click here to check corrigendum, if any