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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3503/2023 & CM APPL.13561/2023**
MD. HASHIM ANSARI (DECEASED) THROUGH HIS LRS

.....Petitioner

Through: Mr. Rahul Maurya, Advocate

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondent

Through: Ms. Puja S. Kalra, Advocate for R-
1/MCD

Mr. Lalitaksh Joshi, Advocate for
GNCTD

SI Mukesh Meena, PS Hazrat
Nizamuddin, Delhi in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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11.03.2025

1. The instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking the following reliefs:

“a) Pass an order directing the Respondents to reinstate the petitioner to vend peacefully at his usual place of vending i.e., Near Nizamuddin Bus Stop, Beside Subway New Delhi - 110013 in accordance with the provisions of the Street Vendors (protection of Livelihood and regulation of street vending) Act 2014.

b) Pass an order directing the respondents to start and complete the survey of the street vendors in the MCD area as



mandated under the Street Vendors (protection of Livelihood and regulation of street vending) Act 2014 as also as mandated under, The Delhi Street Vendors (Protection of Livelihood and regulation of Street vending) Rules 2017 & The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and regulation of Street vending) Scheme 2019 and further to provide the certificate of vending to the petitioner.

c) Pass an order directing the respondents to place on record all materials/orders/communications pertaining to the Survey of the Street Vendors in the MCD area.

d) Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case."

2. Learned counsel for the petitioner submitted that the deceased petitioner, who expired on 11th February, 2024, has been vending near Nizamuddin Bus Stop, beside Subway New Delhi – 110013 (hereinafter "site"). The deceased is now survived by two sons who had filed an application for substitution as Class-I legal heirs, which was allowed by the Predecessor Bench of this Court vide order dated 22nd January, 2025.

3. It is submitted that although the deceased was vending at the aforesaid site since the year 1986, he was illegally removed from the said site on 24th August, 2022. It is submitted that in view of the same, a writ petition bearing W.P. (C) no. 1015/2023 was filed by the deceased which was disposed of vide order dated 27th January, 2023 with the direction to the respondent no. 1 to provide the *portal link* to the petitioner to apply before the concerned Town Vending Committee (hereinafter "TVC"). It is further submitted that the deceased has already applied for the vending licence on



the portal, however, the same has not yet been decided by the competent authority.

4. *Per Contra*, learned counsel appearing on behalf of the respondents vehemently opposed the instant writ petition by submitting to the effect that the petitioner was not a licensee and thus, he was not permitted to vend at the aforesaid site as stated by the learned counsel for the petitioner.

5. It is submitted that there is no legal right vested upon the sons of the petitioner to inherit the rights, if any, of the deceased. It is further submitted that pursuant to the directions passed vide order dated 2nd January, 2025, the Government of Delhi has notified in the Gazette dated 10th February, 2025 to link the Aadhar of street vendors for the purpose of verification and subsequent survey. During the course of arguments, learned counsel for the respondents has handed over a copy of the said Gazette Notification to this Court which is taken on record.

6. It is submitted that the survey is already under process and if the petitioner has already applied for a vending licence for the aforesaid site on the portal, his application shall be considered as per the law.

7. Heard learned counsel appearing on behalf of the parties and perused the record.

8. By way of the present petition, the deceased petitioner, now represented through legal heirs, has sought for certain reliefs. *Firstly*, it is prayed that the respondents may be directed to allow the petitioner (now his legal heirs) to vend peacefully. *Secondly*, it has been prayed that the respondents may be directed to start and complete the survey of street vendors in the MCD area and to provide the certificate of vending to the petitioner (now his legal heirs).



9. Taking into consideration the contents made in the petition as well as the submissions advanced by the learned counsel for the respondents, the ‘prayer (a)’ of the instant writ petition stands satisfied in view of the submission advanced by learned counsel for the respondents to the effect that the application for vending licence, applied by the petitioner on the portal, shall be considered in accordance with law as the survey process is already under process. *Secondly*, ‘prayer (b)’ also stands satisfied in view of the fact that the linking of Aadhar of street vendors has been already notified in the Gazette dated 10th February, 2025 for the purpose of verification and subsequent survey.

10. In view of the above facts and circumstances, the concerned competent authority is directed to consider and decide the application for obtaining vending licence, filed by the petitioner on the official portal.

11. In light of the observations made herein above, nothing is left for any further adjudication. Accordingly, the instant writ petition along with pending applications, if any, stands disposed of

CHANDRA DHARI SINGH, J

ANUP JAIRAM BHAMBHANI, J

MARCH 11, 2025

Rt/ryp

Click here to check corrigendum, if any