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

+ **W.P.(C) 2670/2025**

MOHD. ALI

.....Petitioner

Through: Mr. Bharat Aggarwal, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents

Through: Mr. Sriharsha Peechara, Mr. D.S. Bhanu, Mr. Chinmay Singh, Mr. Akshay Verma and Mr. Madan Mohan Chaubey, Advs. for NDMC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

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17.03.2025

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Mohd. Ali under Article 226 of the Constitution of India *inter alia* seeking temporary allotment of a vacant vending site in his favour.
3. According to the Petitioner, he was a part of the list of 628 vendors for allotment of spaces in the New Delhi Municipal Corporation area. The Petitioner's case is that he was at serial no. 591 of the said list. The Petitioner further submits that he was removed from the no vending zone in the year 2016 and has still not been allotted a vending site.
4. On 30th April 2024, the Petitioner had approached this Court by way of a writ petition being **W.P.(C) 6016/2024**. In the said writ petition, the Court had directed as under:



“7. In the facts and circumstances, particularly considering the fact that the name of the petitioner is features in the list of 628 street vendors, which was prepared for allocating the sites by lottery, we consider it apposite to direct the respondents to consider the petitioner's request and if feasible allocate any area where he can carry on his vending activities. It is clarified that such allocation would be purely on a temporary basis and would not give rise to any rights in favour of the petitioner by virtue of such allocation.

8. We request the concerned authorities to consider the request of the petitioner expeditiously and preferably within a period of two months from today.”

5. According to Id. counsel for the Petitioner, the temporary vending position is not being allocated to the Petitioner despite the eligibility being confirmed and the impugned order dated 17th December, 2024 has been passed rejecting the Petitioner's application for a vending site. The said order was communicated to the Petitioner on 24th December, 2024. The relevant portion of the impugned order reads as under:

“(x) That to deal with the menace of the illegal vending in no-vending zones of NDMC areas, The Hon'ble (DB) Delhi High Court vide order dated 11.10.2021 in W.P. 11669/2021 titled as New Delhi Traders Associations v. NDMC and Ors. directed NDMC and also to the Delhi Police to remove all the illegal hawkers/vendors from the Connaught Place area. Pursuant to this direction the NDMC removed the illegal squatters/hawkers from Connaught Place (earlier known as Rajiv Chowk and Indira Chowk).



(xi). It was a clear direction to the NDMC for removal of illegal hawkers and squatter from the Connaught Place area which is no-vending zone. **It is admitted position that the applicant has never been issued any license/permission by NDMC and he is not entitled to squat in Non-Vending areas.**

(xii) That Later on, for compliance of the order of Hon'ble High Court dated 11.10.2021, all the unauthorised vendors except Old Tehbazari and Thareja Verified vendors, were removed from No-Vending area i.e. Connaught Place and Palika Bazar. The name of applicant did not find mentioned in Old Tehabzari and Thareja Verified vendor, **Hence, he is not allowed to vend at Palika Bazar area.**

(xiii) Since, the petitioner already refused to accept alternate arrangement purely on temporary basis at Laxmi Bai Nagar Vendor Market which has also mentioned in the Court order dt 30.04.2024, **The grievance of the applicant for allotment of alternate vending site will be considered by the TVC in accordance with the provisions of Street Vendor Act, 2014, Street Vending Rules 2017 and the Street Vending Scheme 2019 only after completion of the survey of the street vendors as stipulated in section 3 of the street Vendors Act, 2014.**

(xiv). That Town Vending Committee constituted by GNCTD vide notification dated 17.09.2019 for NDMC area is first/initial Town Vending Committee and has been constituted for the purpose of carrying out the survey of Street Vendors in accordance with the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019. The power of Present TVC under Rule 13(1) of Street Vendor (Protection of Livelihood and Regulation of Street Vending) Rule, 2017, is mentioned as "This is an initial Town Vending



Committee for the purpose of survey and the issue of CoV and it shall ensure that once the survey is complete, the elections are conducted within six months.

6. That the applicant, in the above circumstances, can only approach the Competent TVC which is the relevant body for issuance of Certificate of Vending and allotment of site, which shall examine their case in accordance with the Street Vendors Act, Rules and Scheme, once the survey process is completed by the present/initial TVC.”

6. The said order is being challenged in this Petition. The ground on which the Petitioner's request has been rejected is that he was vending in a no vending zone. Under such circumstances, no fault can be found with the order dated 17th December, 2024.

7. The Petitioner is, however, free to approach the competent Town Vending Committee (hereinafter 'TVC') for issuance of certificate of vending and allotment of site in terms of the order dated 17th December, 2024, which has been impugned before this Court. If the Petitioner approaches the TVC, let a decision be taken within a period of three months.

8. Whenever a survey takes place in the Palika Bazar area, the Petitioner shall be permitted to take part in the said survey in accordance with law.

9. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 17, 2025/dj/ck