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

Date of Decision: 20th March, 2025

+ **W.P.(C) 3442/2025**

ARVIND

.....Petitioner

Through: Mr. Bharat Aggarwal, Advocate.
versus

NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents

Through: Mr. Subrahmanya Bhanu, Advocate
for Mr. Harsha Peechara, Standing
Counsel for NDMC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPLs. 16153/2025, 16154/2025 (both for exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 3442/2025

3. The present petition under Article 226 of the Constitution of India has been filed by the Petitioner seeking directions to the Respondents to decide the Petitioner's representation dated 16th December, 2024 expeditiously in accordance with law and to permit the petitioner to participate in survey since he has applied in the Urban Street Vendors Scheme, 2007. Through this petition, the Petitioner is also seeking allocation for a certain alternate space at Mohan Singh Palace, Rivoli Cinema or Janpath till the said survey is conducted by the NDMC.



4. The case of the Petitioner- Arvind is that he was vending at Gate Nos.2 and 3 Palika Bazar, Connaught Place, New Delhi for many years.

5. The Petitioner had filed a writ petition earlier being ***Raj Kali & Ors. v. NDMC & Anr.*** bearing ***W.P.(C) 6690/2012*** and *vide* order dated 22nd November, 2012, protection was granted to the Petitioners therein. Hence he prays that the representation may be decided by the NDMC in accordance with law.

6. Mr. Subrahmanya Bhanu, Id. Counsel appearing for Mr. Harsha Peechara, Id. Standing Counsel for NDMC, submits that the Petitioner is not a recognized vendor or a valid vending license holder. Further, his name does not appear in any of the three lists which the NDMC is currently surveying and verifying. It is submitted that the Petitioner's name was not recognized either in the Thareja Committee or as a *Tehbazari* receipt holder. In addition, his name also does not appear in the list of 628 vendors prepared by New Delhi Municipal Council ('NDMC'), which was recognized in terms of the order of the Supreme Court dated 12th October, 2012 in ***Special Leave to Appeal (Civil) No.(s) 1765/2012*** titled '***Salim v.NDMC & Anr.***'

7. He further submits that a survey was also conducted in the year 2018 in order to determine the 'found' and 'not found' category of vendors. However, the Petitioner is not a part of that list as well. Though the said survey was subsequently scrapped, a new survey is currently being undertaken. Thus, he is not entitled to any relief.

8. The Court has considered the matter. The order dated 22nd November, 2012 reads as under :-

*"W.P.(C) 6679/2012 and CM No. 17586/2012
W.P.(C) 6688/2812 and CM No. 17588/2812*



W.P.(C) 6681/2012 and CM No. 17590/2012
W.P.(C) 6682/2812 and CM No. 17591/2812
W.P (C) 6683/2012 and CM No. 17593/2012
W.P (C) 6684/2012 and CM No. 17595/2012
W.P (C) 6685/2012 and CM No. 17597/2012
W.P (C) 6686/2812 and CM No. 17688/2812
W.P (C) 6698/2012 and CM No. 17605/2012
W.P (C) 6692/2012 and CM No. 17609/2012
W.P (C) 6693/2012 and CM No. 17610/2012
W.P (C) 6694/2012 and CM No. 17611/2012
W.P (C) 6695/2812 and CM No. 17612/2012
W.P (C) 6708/2012 and CM No. 17630/2012

Counsel for the petitioners submits that the names of the petitioners find mention in the eligibility list prepared by the NDMC, and thus, they are also entitled to the order passed by the Apex Court on 12.10.2012 by which protection has been granted to the hawkers /street vendors up till 03.12.2012.

Notice. Counsel for the respondent accepts notice and submits that in case the petitioners fulfil the criteria laid down by the Supreme Court in the order dated 12.10.2012, their possession will not be disturbed, in case they are squatting at the sites.

At this stage, counsel for the petitioners submit that they do not wish to press these writ petitions, however, they seek liberty to approach the Court again if so advised.

Accordingly, all the writ petitions and the applications are dismissed as withdrawn, with liberty as prayed for.

DASTI to counsel for the parties under the signature of the Court Master”

9. As can be seen from the above order, the NDMC had merely made a



statement before the Court that if the Petitioners satisfied the criteria in terms of the order dated 12th October, 2012 passed by the Supreme Court, their possession would not be disturbed, in case they are squatting at the sites.

10. Such order could not create any equity in favour of the Petitioner, if the Petitioner was not fulfilling the criteria laid down by the Supreme Court *vide* the said order dated 12th October, 2012. There is no averment in the writ petition that the Petitioner satisfies the said criteria. The earlier writ petition was in fact dismissed as withdrawn.

11. In these circumstances, this Court is of the opinion that no orders can be passed for deciding of the representation by the NDMC, as clearly, the Petitioner is not a recognized vendor.

12. Accordingly, the petition is disposed of. Pending application(s), if any, also stand disposed of.

13. The Petitioner is, however, permitted to participate in the survey, to show any proof which he may have, which may be undertaken by the NDMC in accordance with law.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 20, 2025/nd/ss