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

Date of Decision: 25th March, 2025

+ **W.P.(C) 3661/2025 & CM APPLs. 17079/2025 & 17080/2025**

RAM BABU GAUTAM AND ORSPetitioners

Through: Mr. Kamlesh Kr. Mishra, Ms. Renu,
Mr. Akhhil Rexwal, Mr. Akash Raj
and Ms. Diya Santosh, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Puja S. Kalra, SC with Mr. Viren
Singh and Mr. Lokesh Lic J.,
Advocates for R/MCD.
Mr. Tanvee Ahmed Ansari, SPC for R-
5, 6, 7 & 9.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of an appropriate writ *inter alia* declaring that the action of the Respondents of carrying out demolition/ destruction of the food carts and wares of the Petitioners without prior notice is against the mandate of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (*hereinafter 'the Act'*). Further, *vide* the present petition the Petitioners seek for such actions to be declared as illegal, arbitrary and unconstitutional.
3. The petition has been filed by various Petitioners who claim to be vendors in the Qutub Institutional Area.



4. An allegation has been made in the Petition that a café was inaugurated by the Hon'ble Lieutenant Governor of Delhi and incidentally, the name of the café is LG Rock Café. The same was set up by the Delhi Development Authority ('DDA').

5. In the context of the said inauguration, it is submitted on behalf of the Petitioners that all the other vendors in the adjoining area who were selling their wares have all been removed from the said site. The removal took place on 05th March, 2025 without any prior notice and or without having followed the process as envisaged in the Act.

6. A perusal of the writ petition shows that some of the Petitioners have been given temporary vending certificates which have clear terms and conditions. The vending certificates show that they cannot stay at any particular site for more than 30 minutes. By way of illustration, the said condition is set out below:

"11. A mobile vendor shall not stay at any specific location within a hawking/vending zone for more than 30 minutes or the duration specified by the TVC. The vendor shall not stay or conduct vending activities in a non-vending zone."

7. Under such circumstances, insofar as the vendors who do not have any vending certificates are concerned, they would not be entitled to claim any rights under this petition.

8. Moreover, in the present petition, what is also completely unpalatable is the fact that various innuendos have been pleaded in the writ petition as also in the representations which have been made against a constitutional authority. The said part of the petition is reproduced herein below:



“The present petition shows the plight of powerless persons against the might of the state. A person with a constitutional position inaugurates a café incidentally with the credentials of his own name. the said café opened under the aegis of DDA is named as ‘LG Rock Café’ and is inaugurated by LG of Delhi.”

9. Further, in the representation dated 7th March, 2025, sent on behalf of the Petitioners to all the concerned authorities, it is stated as under:

“Most respected Madam/Sir

That the present representation is made on behalf of the Qutub Institutional Area vendors association, the members of the association are vendors/Hawkers who operate on the vacant land besides the road in the Qutub Institutional Area (which is the last road adjoining the Sanjay Van). The members of the applicant organisation have been working for the past several decades and many of the members of the association have certificate of vending issued under the Street Vendors (Protection of Livelihood and regulation of street vending) Act, 2014 by the Municipal Corporation of Delhi. Many of the vendors also have protection orders granted by the Zonal Vending Committee constituted on the directions of the Hon’ble Supreme Court of India which have granted protection to the vendors. List of the street vendors/ Hawkercs is attached with the present representation.

The present representation shows the plight of powerless persons against the might of the state. A person with a constitutional position inaugurates a café incidentally with the credentials of his own name. the said café opened under the aegis of DDA is named as ‘LG Rock Cafe’ and is inaugurated by LG of Delhi.

.... On March 3, 2025, Delhi Lieutenant Governor Shri Vinai Kumar Saxena while inaugurating the restored historic fort ramparts and well, has also inaugurated the LG Rock Cafe, at



Sanjay Van in South Delhi. It cannot be a mere co-incidence that all the street vendors around the café who might pose competition to the said café are demolished and removed within the next 48 hours of the said inaugural.”

10. Under these circumstances, since the Petitioners, at best, could have been mobile vendors, they cannot claim rights to permanently vend from any particular site. Therefore, the removal of the Petitioners from the said area in terms of the photographs cannot be held to be illegal. Moreover, the nature of pleadings and the representations being made, do not entitle the Petitioners for exercise of writ jurisdiction in their favour. Allegations and Innuendos such as the one made in the writ petition and the representation, are completely uncalled for, to say the least.

11. In the interest of justice, however, the Petitioners who have interim vending certificates, are permitted to approach the Town Vending Committee and seek their remedies, if any, both in terms of participating in a survey and for continuation of their interim licenses.

12. With these observations, the petition is disposed of. No further relief is liable to be granted.

13. All pending applications, if any, also stand disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 25, 2025/v/ss