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

+ W.P.(C) 11669/2021 & CM APPLs.36072/2021, 37129/2021, 38822/2021, 41266/2021, 1022-1024/2022, Review Pet. 358-359/2023 & CM APPLs.30721/2023, 47283/2023, 61007/2023, 63115/2023, 65969/2023, 66603-66604/2023, 66611-66612/2023, Review Pet. 31/2024, CM APPLs. 4470/2024, 6299- 6301/2024 & CM APPL.63418/2024

NEW DELHI TRADERS ASSOCIATION

.....Petitioner

Through: Mr.Sanjeev Ralli, Sr. Adv. with Mr.Mohit Mudgal, Mr.Ravi Kant Yadav, Mr.Shubham Yadav, Mr.Chetanya Baweja & Mr.Praful Nawani, Advs.

versus

NEW DELHI MUNICIPAL CORPORATION & ORS..

.....Respondents

Through: Mr.Sriharsha Peechara, SC, NDMC with Mr.Akshat Kulshreshtha and Mr.D.S. Bhanu, Advs. for NDMC. Mr.Kamlesh Kr. Mishra, Ms.Renu, Ms.Shivani Verma & Mr.Swagata Gupta, Advs. for intervenor. Mr.Aman Bhalla, Mr.Garvit Sharma & Ms.Aastha Dhawan, Advs. for the petitioner in Review Petition Nos.358-359/2023. Mr.Jitendra Kashyap, Inspector, P.S. Connaught Place.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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17.01.2025

1. The present petition under Article 226 of the Constitution of India



was filed in the year 2021 seeking the following reliefs:-

“I) to issue writ of mandamus or any other appropriate writ or directions to Respondent Nos. 1 to 3 to ensure that illegal hawking and squatting/vending activities in No Hawking and No Vending areas of Connaught Place and Connaught Circus (also known as Rajiv Chowk and Indira Chowk) area stopped permanently and the above areas are kept free from encroachments by illegal hawkers and vendors/squatters;

II) to issue writ of mandamus or any other appropriate writ or direction to Respondent Nos. 1 to 3 to ensure that activities of illegal hawkers and squatters do not resurface after their removal from the No Hawking/No Vending areas;”

2. On 11.10.2021, this Court had, while issuing notice in the petition, issued the following directions:-

“14. We, therefore, issue a stern warning to both – the officers of the NDMC as well as to the Delhi Police who have jurisdiction over the Connaught Place area, i.e. Rajiv Chowk and Indira Chowk, to ensure strict compliance of not only their scheme approved by the Supreme Court, but also the orders passed by the Supreme Court and by this Court. There should be zero tolerance shown by them, and all hawkers, vendors – except the original 80 odd vendors – as stated by Mr.Peechara, should be removed bag and baggage. The rule of law has to prevail, and we cannot allow the city to be taken over by illegal encroachers/ vendors. Such failure on the part of the respondent authorities in discharging their duties very severely and adversely impacts the rights of the citizens of the city, including their right to life, which includes the right to a healthy and clean environment.

15. We direct the Chairman, NDMC as well as the



Executive Engineers of the NDMC having jurisdiction over the Connaught Place area, as well as the DCP of the area concerned and the SHO of the local police station to remain present before us on the next date. Status reports should be filed by the NDMC and the Delhi Police about the steps taken by them-not only to remove the encroachments, but also to ensure that the illegal encroachers and vendors do not return and the area is kept clean on a continuous basis.

16. The respondent/ NDMC should display permanent boards in the entire Rajiv Chowk and the Indira Chowk areas displaying the fact that the area is a no hawking and no vending zone.”

3. The matter has, thereafter, been taken up for consideration from time to time and on 10.11.2023, this Court again reiterated that the respondent nos.1 to 3 will ensure that order dated 11.10.2021 is complied with in its true letter and spirit and, if needed a mechanism would be devised wherein all the stakeholders of the concerned area are involved, be it authorised vendors, police or shopkeepers.
4. We may note that on 10.11.2023, this Court was informed that a survey of vendors and formulation of vending plan under Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, was underway. Today, we are informed by the learned counsel for the review petitioners that the survey of vendors is still ongoing.
5. In the light of the aforesaid, once this Court had already issued directions to respondent nos.1 to 3 vide order dated 11.10.2021, we are of the view that nothing further survives for adjudication in the present petition. Respondent nos.1 to 3 will, however, ensure that the



said order is strictly complied with.

6. Further, taking into account that it is the case of the review petitioners, that the survey of the vendors in the Connaught Place area is still ongoing, we do not find any reason to entertain the review petitions. We, however, make it clear that in case, the review petitioners are aggrieved by any of further action of respondent nos.1 to 3, it will be open for them to seek legal recourse as permissible in law.
7. The petition alongwith applications, which are not pressed by any of the applicant(s) before the Court, is, accordingly, disposed of.

REKHA PALLI, J

MINI PUSHKARNA, J

JANUARY 17, 2025

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