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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 26th May, 2025

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W.P.(C) 7129/2025

SUBIKASH DAWN AND ORS

.....Petitioners

Through: Mr. Aditya, Mr. Vipin Kumar,
Ms. Pralika Chakraborty, Ms. Anjani
Kr. Mishra and Mr. Kailash Kr. Jha,
Advocates.

versus

CHAIRMAN, TOWN VENDING COMMITTEE AND ORS

.....Respondents

Through: Ms. Puja S. Kalra and Mr. Virendra
Singh, Advocates for R-MCD.
Mr. Pranav Proothi and Mr. Anshveer Singh
Nalwa, Advs. for Federation of Lajpat
Nagar.

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 by the Petitioners, who are 45 Street Vendors, under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to conduct the survey of the Petitioners.
3. The case of the Petitioners is that they are street vendors, who are vending at different areas of Lajpat Nagar and have been excluded from the survey process by the Town Vending Committee (hereinafter, 'TVC') the first phase of the survey in the year 2021.



4. The prayer of the Petitioners is that they should be permitted to participate in the survey being currently conducted by the Municipal Corporation of Delhi (hereinafter, 'MCD'), even if they cannot vend so that in future their rights as vendors is not jeopardised.

5. In support of this prayer, the Petitioner has relied upon an order dated 20th July, 2021 passed by this Court in ***W.P.(C) 4105/2021 titled 'Federation of Lajpat Nagar Traders Associations v. S.D.M.C. through its Commissioner & Anr.'***. In the said order, the Court had directed that the survey ought to be completed within two weeks.

6. On the other hand, Id. Counsel for the MCD submits that in another matter involving the same Lajpat Nagar vendors in ***W.P.(C) 8066/2021 titled 'Redi Patri Footpath Vikrrata Ekta Munch & Ors. v. South Delhi Municipal Corporation & Ors.'***, the Court had gone into the entire matter including the order dated 20th July, 2021 and the Court has come to a conclusion that since Lajpat Nagar has been declared as No-Vending zone, no survey can be conducted in the said area. The relevant portion of the said judgment in ***W.P.(C) 8066/2021*** dated 21st September, 2021 is set out below:

*"18. In compliance of the directions of this Court issued on 20.07.2021 in W.P.(C) 4105/2021, reproduced above, the respondent has conducted survey in presence of SDMC officials and TVC members in Ward 57-S, Lajpat Nagar, New Delhi on 29.07.2021 and 30.07.2021. In relation to the non-vending zones of Lajpat Nagar, no survey has been conducted. The area which is declared as a no-vending and no-squatting zone, is being maintained as such by the SMDC with the help of the Delhi Police.
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21. The counter-affidavit of the respondent is clear as to why Pushpa Market has been declared a no-vending zone and no hawking zone. On 21.05.1996, the bomb blast took place in Lajpat Nagar and the primary reason for enormous loss of lives, property and goods was the delay in reaching the site by emergency services due to the encroachments by squatters and hawkers in the lanes of Lajpat Nagar.

22. In a recent case, there was an incident where a fire had broken out at Nehru Place, which is a high rise district commercial area. The reason as to why the fire tenders could not even reach the site of fire was that large areas, which were meant for movement of pedestrians and traffic, had been illegally encroached upon by vendors and hawkers.

23. Once an area has been declared a 'no-vending and no-squatting zone any vendor squatting and vending in that area does so in violation of the law. Any vendor/squatter who is vending/squatting in a non-vending and non-hawking zone is committing an illegality by his actions. They cannot claim premium on their illegality, by claiming that they too should be made a part of the survey, to be relocated and given another place for hawking. Any such relocation by the town vending committee would tantamount to rewarding the violators of the law, which cannot be permitted. The same would be negation of the Rule of Law.

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27. We feel that "to err is human, but to repeat is foolish". On account of an omission and an error, there was an enormous loss of lives, property and goods, as emergency services could not reach the site of bomb blast in Lajpat Nagar. If the lessons from that mistake are not learnt or are ignored, we would be guilty of repeating an omission. We cannot turn a blind eye to a potential similar situation which may arise in the future.

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30. As per the affidavit, in compliance of the directions of this



*Court on 20.07.2021 in WP(C) 4105/2021, the survey has already been conducted in the presence of SDMC officials and Town Vending Committee members in Ward No. 57-S, Lajpat Nagar, New Delhi on 29.07.2021 and 30.07.2021. **As regards to the survey in the no-vending area of Lajpat Nagar Ward is concerned, no survey can be conducted in the same as the said area is not even in consideration.***

31. To allow the encroachment of vendors in Lajpat Nagar Market/Pushpa Market, and thereafter directing survey by TVC, would amount to putting the life and security of various individuals and citizens on the line. In deciding between the vendors' right to livelihood under Section 19(1)(g) of the constitution, and the safety and security of many more individuals living in this city, we have to give precedence to the latter over the former. Without there being any life and security, no question of right to livelihood can arise. These two conflicting rights must be read in consonance and be subjected to reasonable restrictions under the law.

*32. **Presence of unauthorized vendors/squatting in no-hawking zone creates mayhem in the area encroached upon primarily being roads and pavements, which makes it impossible for people as well as traffic to commute through. If any vendors are found in a no-vending zone, the same is a violation of the safety and security of the individuals living in the city, as well as directives and orders passed by this Court as well as the Supreme Court as detailed above.***

7. Both the Id. Counsels for the Respondents submits that Lajpat Nagar having been declared as no vending zone, hence, no survey can be conducted in the said area in terms of the judgment in **W.P.(C) 8066/2021** of the Co-ordinate Bench of this Court.

8. On a query from the Court as to why the Petitioner did not disclose the judgment in **W.P.(C) 8066/2021**, Id. Counsel submits that the said



judgment is not accessible on the Delhi High Court website. However, in paragraph 14 of the present writ petition, Id. Counsel for the Petitioners mentioned the very same judgment in ***W.P.(C) 8066/2021***.

9. In the opinion of this Court, the Petitioner ought to have disclosed the said judgment passed on 21st September, 2021 in ***W.P.(C) 8066/2021***, in the case of similar vendors like the Petitioners itself and ought not to have simply stated that he did not have a copy of this judgment.

10. Id. Counsel for the Respondents take severe objection to the stand of the Petitioner. In fact, Id. Counsel for the Respondent has placed on record an order dated 03rd May, 2024 in ***Cont. Cas(C) 321/2021 titled ‘ Federation of Lajpat Nagar Traders Association v. S N Srivastava & Ors.’*** wherein the same office as that of the Id. Counsel for Petitioner has relied upon the said judgment in ***W.P.(C) 8066/2021***.

11. Be that as it may, the Court has also conducted a Google search and noticed that the said judgement is available on the online platforms. There was, therefore, no question of not finding the said judgment which was a very relevant judgment for the prayer being sought in this petition.

12. In view of the fact that the area of Lajpat Nagar has been declared as a No-Vending zone, no survey is liable to be ordered. In view of the deliberate non-disclosure of a relevant order passed by a co-ordinate Bench of this Court, which was in the knowledge of the Petitioners as also their counsel, the petition is dismissed with costs of Rs.20,000/- to be deposited with the Delhi High Court Bar Association within two weeks from today. The bank details of the Delhi High Court Bar Association reads as under:

- ***Name: Delhi High Court Bar Association***
- ***A/c No.: 15530100000478***



2025:DHC:4429-DB



- ***IFSC: UCBS0001553***
- ***Bank & Branch: UCO Bank, Delhi High Court***

13. The petition is accordingly dismissed along with all pending applications.

14. List for confirming compliance of payment of costs on 17th July, 2025.

**PRATHIBA M. SINGH
JUDGE**

**RAJNEESH KUMAR GUPTA
JUDGE**

MAY 26, 2025
v/ck