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

+ **W.P.(C) 10855/2019 CM APPL. 44908/2019 CM APPL. 37585/2023**

**JAWALA HERI RESIDENTS AND SHOPKEEPERS WELFARE
ASSOCIATION**Petitioner

Through: **Srivats Kaushal with Mr. A. Ansari,
Advs.**

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

.....Respondents

Through: **counsel (appearance not given) for
North MCD.**

**Mr. Lalitaksh Joshi, Ms. Ananya
Sanjiv Saraogj, Advs. for GNCTD.
Counsel (Appearance not given)**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

06.02.2025

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1. One, Mr. Mohinder Yadav has filed the present petition claiming to be the president of the petitioner Association, that is, Jawala Heri Residents & Shopkeepers Welfare Association. The petitioner has impugned a communication dated 04.10.2019 issued by North Delhi Municipal Corporation, whereby certain squatters were permitted to carry on their vending activities subject to the decision of the Town Vending Committee (TVC). The said communication reads as follow:



**“NORTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE ASSISTANT COMMISSIONER
KESHAV PURAM ZONE**

No. 953/AC/KPZ/NDMC/2019 Dated 04/10/2019

To,

Station House Officer
Paschim Vihar, Delhi.

Sub:- Regarding allowing squatting of left out vendors at
Jwala Heri Market Complex, Paschim Vihar,
Delhi.

As you are aware that about 70-75 vendors were squatting within the Jwala Heri Market Complex, Paschim Vihar, (Ward no. 67) these squatters were removed temporarily in the year 2016 for footpath renovation work. 1

Thereafter on completion of the footpath renovation work about 40-45 hawkers were allowed to sit at their previous place, the rest 25-30 hawkers have given representation for reinstating them and allowing to vend at their previous place of squatting. Their request was examined and the competent authority has allowed these squatters to squat at the site mentioned in the list (copy enclosed) subject to any decision of Town Vending Committee/Courts in the matter.

It may also be ensured that, while allowing them to vend at the above site they do not exceed the limit of 6'X4' and do not cause hindrance in smooth flow of traffic and movement of pedestrians.

Assistant Commissioner
Keshav Puram Zone.”

2. The petitioner further prays that directions be issued to respondent Nos. 1 and 2 to proceed in accordance with the mandate of the Street



Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Street Vending Act*). The petitioner states that in the year 2016, number of street vendors were removed from the site described as Jwala Heri Market Complex, Paschim Vihar, Delhi, pursuant to the complaints filed with various authorities. The same also include a group of squatters including respondent Nos. 3 to 27. It is stated that these squatters filed a suit against the Municipal Corporation of Delhi (hereafter *MCD*) for a mandatory injunction seeking renewal of their *Tehbazari* license. However, the said suit was dismissed by an order dated 26.05.2016 by the learned JSCC-cum-ASCJ-cum-Guardian Judge (West), Delhi. It is also stated that the petitioner has filed an application under the Right to Information Act, 2005 and in response dated 15.05.2013 to the said application, the petitioner was informed that a temporary *tehbazari* license had never been allotted to street vendors at the site being Jwala Heri Market Complex, Paschim Vihar, Delhi.

3. Essentially, the petitioner is aggrieved by the number of street vendors carrying on vending activities at the site in question.

4. MCD has filed a status report. According to the said status report, the street vendors were carrying on the vending activities at the site in question since the year 2010 and they have been temporarily removed from the site on account of certain renovation activities and therefore, MCD permitted to carry on the vending activities after the renovation work is complete. However, the petitioner disputes the same. According to the petitioner, in addition to the persons who were carrying on the vending activities in the year 2010, certain other street vendors were permitted to carry on vending activities at the site in question. Additionally, it is submitted that the street



vendors have now raised semi-permanent structure and are not complying with the requirement of carrying on street vending space (6ft. x 4ft) which is open to sky. Further, it is alleged that the street vendors also leave their goods at the site overnight and do not remove at the end of the day. This according to the petitioner, violates the terms of the Certificate of Vending (CoV) issued to street vendors.

5. In response, respondent Nos.3 to 27 stoutly disputes the contention as advance on behalf of the petitioner. In addition, the learned counsel for respondent Nos.3 to 27 also challenge the locus of the petitioner to file the present petition.

6. Clearly, the street vendors have been carrying on their vending activities as on 01.05.2014 (the date on which the Act came into force), they cannot be removed by virtue of Section 3(3) of the Street Vending Act. However, it cannot be permissible for other street vendors to carry on their vending activities in an unregulated manner.

7. In the aforesaid circumstances, we think it apposite to direct the MCD to examine the complaint made by the petitioner and ensure that the street vendors carrying on their vending activities at the site in question do so in accordance with the permissible norms, that is, space which is open to sky and in conformity with the COVs issued to them.

8. Plainly, it would be impermissible for any of the street vendor to raise permanent or semi-permanent structure. We also clarify that in the event, if MCD finds that the number of vendors vending at the site far exceeds its capacity, MCD would be at liberty to insist on removing some of the street vendors who have commenced their street vending activities after 01.05.2014. We also clarify that the above order has been passed only as an



interim measure till a vending plan is prepared in accordance with Section 51 of the Street Vending Act. The question of allocation of site and to classify street vendors as stationery vendors from the mobile vendors in accordance with Section 6 of the Street Vending Act would also be undertaken by the concerned TVC at an appropriate stage. This would also determine whether any of street vendors can be permitted to permanently occupy the given site. However, at this stage, street vendors are required to comply with the terms of the COV which include a stipulation that no street vendor would carry on street vending activities at the given site for more than thirty months.

9. We also clarify that this order would not preclude any of the street vendors from participating in the survey that is now being undertaken by the MCD.

10. The petition is disposed of with the aforesaid direction. All pending applications are also disposed of.

VIBHU BAKHRU, J

AMIT MAHAJAN, J

FEBRUARY 06, 2025

dr

[Click here to check corrigendum, if any](#)