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

+ **W.P.(C) 9785/2024**

RAMESH KUMAR

.....Petitioner

Through: Mr. Rajul Shrivastava (DHCLSC)
and Ms. Nayan Gupta, Advocates
along with petitioner in person

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Tushar Sannu, SC with Mr.
Harsh Yadav, Advocate for R-1
Ms. Mehak Nakra, ASC for GNCTD
with Mr. Bhavya Nakra and Mr.
Aditya Goyal, Advocates for GNCTD

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

10.01.2025

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1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:

*“a. Issue directions, orders or a writ of mandamus or any other appropriate writ directing Respondents to provide Petitioner with the proceeds of the illegal auction of his goods so seized;
b. Issue directions, orders or a writ of mandamus restraining Respondent No. 1 – MCD from taking any further coercive action against the Petitioner and his sole source of livelihood;
c. Pass any such other and/or further orders, as this Hon’ble Court may deem fit and proper in the interests of justice.”*

2. Mr. Rajul Shrivastava, learned counsel appearing on behalf of the



petitioner submitted that the action of the respondent-MCD with respect to the seizure of goods of the petitioner and their consequent action suffer from grave illegalities which are in violation of Clauses 6.4, 6.7 and 6.8 of Government of National Capital Territory of Delhi Street Vendor (Protection of Livelihood and Regulation of Street Vendors) Scheme, 2019 (2019 Scheme).

3. After some length of arguments on merits, learned counsel for the petitioner seeks an innocuous prayer that the instant petition may be treated as representation before the competent authority of the MCD and the said authority may be directed to decide the said representation within the prescribed time in accordance with law.

4. Mr. Tushar Sannu, learned Standing Counsel appearing on behalf of the respondent-MCD vehemently opposed the instant petition but has no objection to the innocuous prayer made by the learned counsel for the petitioner.

5. Heard learned counsel for the parties and perused the record.

6. Since the learned counsel appearing on behalf of the petitioner has not pressed the matter on merits and only sought for the aforesaid innocuous prayer, this Court is inclined to allow the same.

7. Accordingly, the petitioner is directed to file an appropriate application along with the copy of the instant petition as well as the certified copy of this order before the competent authority i.e., Veterinary Officer, Veterinary Services Department, South Zone, MCD within ten days. After receiving the said application, the Veterinary Officer, Veterinary Services Department, South Zone, MCD is directed to treat the said application as representation and dispose of the said representation after hearing the



petitioner and pass a detailed and reasoned order in accordance with law expeditiously, preferably within four weeks.

8. With the aforesaid directions, the instant petition is disposed of along with pending applications, if any.

9. It is made clear that if any amount is returnable to the petitioner as per the National Policy for Urban Street Vendor, 2004, the same may be considered and accordingly, an appropriate order shall be passed.

CHANDRA DHARI SINGH, J

ANOOP KUMAR MENDIRATTA, J

JANUARY 10, 2025/gs/mk

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