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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15615/2023 and CM Nos.62570/2023 and 31860/2024**

SMT NEELU ARORA

.....Petitioner

Through: Mr Madan Mohan Kashyap,
Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
& ANR.

.....Respondents

Through: Ms Shikha Ohri, ASC for MCD.
Mr Pritish Sabharwal, Advocate for
MCD with Mr Avinash Kumar
Chaudhary, Administrative Officer.
Mr Shagun Shahi Chugh and Ms
Shreya Mittal and Ms Nandita
Mishra, Advocates for Delhi Police.
Mr Abhay Kumar and Mr Shagun
Ruhil, Advocates for Impleaders.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

28.02.2025

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1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be permitted to carry on her trade at the site described as Crockery Centre, between Gali No.6-7, Ajmal Khan Road, Karol Bagh, New Delhi-110005 till the possession of the allotted site being 09/30 wall of Police Station Karol Bagh, Delhi be handed over to the petitioner.
2. The petitioner claims that her father (Sh. Darshan Lal, who has since deceased) was a *bonafide* street vendor, and his name featured in the list of



tehbazari holders that was prepared in the year 2000 by the committee (R.C. Chopra Committee) appointed by the Supreme Court.

3. The petitioner's father since deceased, was allocated a site described as "site no. 09/30 at the squatting zone near wall of Karol Bagh Police Station" (hereafter *the allotted site*). The petitioner prays that directions be issued to the respondents for handing over the possession of the allotted site to the petitioner. And, to not disturb her from her current site till the possession of the allotted site is handed over to her.

4. It is stated that although the allotment letter was issued on 11.01.2002, the allotted site could not be handed over to the petitioner as it was occupied by other street vendors.

5. A status report has been filed by the MCD, which indicates that on account of the ongoing pedestrianization project in and around Karol Bagh, Ajmal Khan Road, it is necessary to remove the street vendors including the petitioner.

6. The learned counsel appearing for the MCD submits that 64 (sixty-four) number of street vendors were found carrying on their vending activities in the area of Ajmal Khan Road, which were required to be removed. The said street vendors including the petitioner continue to carry on their vending activities in the said area as the allotted site, which was allotted to the petitioner's deceased father (Site No.09/30 near wall of Karol Bagh Police Station) could not be handed over to her.

7. In the given circumstances, the Municipal Corporation of Delhi (hereafter *MCD*) had issued a letter in the form of a Circular allocating alternative sites to various street vendors, who could not be given the sites,



which were earlier allocated to them. The said Circular dated 26.02.2020 indicates that the petitioner has been allocated a site described as vacant land of Sat Nagar, Primary School in place of wall of Police Station Karol Bagh (hereafter *alternate site*).

8. The learned counsel for the petitioner states that the persons who were squatting near wall of Karol Bagh Police Station have been allocated sites described as “Opposite Bhasin Crockery, Ajmal Khan Road, Karol Bagh” (hereafter also referred to as *Bhasin Crockery Site*). However, they have not moved there; therefore, the MCD has been unable to relocate the petitioner to the allotted site.

9. It is in the aforesaid backdrop that the petitioner claims that she be permitted to carry on her trade at her current site at Ajmal Khan Road till the possession of the allotted site is granted to her.

10. It is apparent from the above that the petitioner has no right to carry on vending activities at the site at Ajmal Khan Road as the same is not a vending zone. Clearly, the project to establish pedestrian zones in Karol Bagh cannot be impeded by the petitioner.

11. Insofar as the allotment of an alternate sites is concerned, the MCD’s stand is inconsistent. On one hand, the MCD relies on a Circular dated 26.02.2020 whereby it has allocated an alternate site (vacant land of Sat Nagar, Primary School) and on the other hand, the MCD has filed a status report confirming that the MCD is willing to relocate the petitioner at the allotted site (being Site No. 09/30 wall of Police Station Karol Bagh, Delhi).

12. In view of the aforesaid stand of the MCD, one Sh. Ramesh Chand Goyal’s son of Murari Lal Goyal has also filed an impleadment application



claiming that he is entitled to carry on his vending activities from his current site, which is the allotted site that was allocated to the petitioner's deceased father in terms of the allotment letter dated 11.01.2002. Sh. Ramesh Chand Goyal has also filed a separate writ petition alongwith two other persons who are similarly situated and claim to be carrying on their vending activities at sites bearing nos. 8/30 and 20/30 against the wall of Police Station Karol Bagh.

13. The reliefs sought by Sh. Ramesh Chand Goyal and other petitioners in W.P.(C) 12918/2024 are in the following terms:

- “a. Issue an appropriate Writ/Order/Direction directing the Respondent No.1 & 2 to not to disturb the possession and occupation of Site No. 09/30 wall of Police Station Karol Bagh, Delhi being held by the Petitioner No.1; and
- b. Issue an appropriate Writ/Order/Direction directing the Respondent No.1 & 2 to not to disturb the possession and occupation of Site No. 8/30 wall of Police Station Karol Bagh, Delhi being held by the Petitioner No.; and
- c. Issue an appropriate Writ/Order/Direction directing the Respondent No.1 & 2 to not to disturb the possession and occupation of Site No.20/30 wall of Police Station Karol Bagh, Delhi being held by the petitioner No.3.”

14. The petitioner in the present case seeks that she be relocated to the site at the allotted site (Site No. 9/30 near the wall of Police Station Karol Bagh) and Mr Ramesh Chand Goyal, who was occupying the said site prays that he be granted possession of a Site no. 3/15, Opposite Bhasin Crockery, Ajmal Khan Road, Karol bagh (Bhasin Crockery Site) for carrying on his *tehbazari* activities. In the alternative, he prays that he be not disturbed



from carrying on his activities from his current site.

15. It is material to note that neither the petitioner nor Mr Ramesh Chand Goyal can claim any indefeasible right to occupy the sites from where they are carrying on their activities.

16. Insofar as the petitioner is concerned, the petitioner has no right to carry on vending activities at the current site, that is, Ajmal Khan Road and therefore, the MCD cannot be interdicted from removing her from the said site.

17. Insofar as Sh. Ramesh Chand Goyal is concerned, he is carrying on his vending activities at a site, which does not fall in a No Vending Zone. Further, the said area is also not required for any public project.

18. In terms of Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, a street vendor cannot be evicted till the survey as contemplated under the said Act is complete. Therefore, at this stage, it would be difficult to accept that Sh. Ramesh Chand Goyal is required to be removed from his site although he claims that he has been carrying on his vending activities from the said site since past several years and the petitioner is required to be relocated at that site.

19. As noted above, the petitioner has already been granted an alternate site in terms of the Circular dated 26.02.2020. In addition, the MCD has also filed a status report dated 27.05.2024 affirming that there are alternate sites available at:

- (i) Government Quarter, Dev Nagar besides existing *Tehbazaries*;



(ii) Padam Singh Road, between Saraswati Road and Ajmal Khan Road;
and

(iii) Moti Nagar, Tanga Stand besides existing *Tehbazaries*.

20. The learned counsel for the petitioner states, on instructions, that the petitioner may be shifted to one of the alternate sites as referred to by the MCD in its status report – Padam Singh Road, between Saraswati Road and Ajmal Khan Road.

21. The learned counsel appearing for the MCD also states, on instructions, of Mr Avinash Kumar Chaudhary, Administrative Officer, MCD, who is present in the Court that the alternate site at Padam Singh Road, between Saraswati Road and Ajmal Khan Road would be allocated to the petitioner.

22. MCD is bound down to the aforesaid statement made on its behalf.

23. We clarify that the arrangement put in place by the MCD is only a temporary arrangement and will continue to be operative only till a vending plan is prepared and the Second Town Vending Committee (TVC) is constituted in accordance with the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

24. The petition is disposed of in abovesaid terms.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 28, 2025/RK

Click here to check corrigendum, if any