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

+ **W.P.(C) 11291/2025 & CM APPL. 46361/2025**

AVNISH KUMAR

.....Petitioner

Through: Ms. Renu, Advocate.

versus

DELHI CANTONMENT BOARD AND ORS.

.....Respondents

Through: Mr. Tarveen Singh Nanda, Standing Counsel for R-1.

Ms. Avni Singh, Advocate, Mr. Vaibhav Sharma, Panel Counsel for GNCTD.

Mr. Sandeep Tyagi, Advocate for R-3 & R-4.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

28.10.2025

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1. Heard.
2. Counsel for petitioner initially made a request for passover, which was granted.
3. Since the arguing counsel is informed to be not available, prayer for adjournment is made, which is rejected by this Court in view of the earlier orders passed in the matter.
4. Apart from above, a request is made that present matter be clubbed with another matter, which involves the similar issue; this Court is not inclined to consider and allow the said prayer as it is an admitted position that the earlier orders passed in this matter are not similar to the one which



have been passed in the other matter.

5. We have considered the prayer of petitioner, wherein the petitioner has sought to be subjected to survey, pursuant to the mandate provided under *Section 3 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014* (**'Act of 2014'**).

6. Petitioner has further sought directions against respondent to honour the Resolution dated 04th September 2023 passed by the Town Vending Committee (**'TVC'**) and to restrain respondent from obstructing the peaceful vending activity.

7. Other ancillary reliefs are also claimed by petitioner.

8. Fact remains that the survey has already been concluded by respondent and the last date to file of application was 31st July 2024.

9. It is borne out of record that petitioners never moved an application before the respondent seeking them to be subjected to survey, as claimed in *prayer clause I* of the present petition.

10. This has prompted us to pass an order permitting or giving the leverage to the petitioner to demonstrate that they have moved before respondent with a prayer that they be subjected to survey.

11. In spite of two subsequent chances given by this Court so also today's chance, petitioner is unable to demonstrate that they have approached the respondent with a prayer that they be subjected to survey and that such request was made prior to cut off date, i.e. 31st July 2024, by which, the survey activity was concluded by respondent.

12. In such an eventuality, since the last date of applying for survey viz. 31st July 2024 is already over and petitioner had not been approached respondent within the said time, we see no reason to cause exercise



extraordinary jurisdiction thereby directing the respondent to make petitioner subjected to survey under Section 3 of *Act of 2014*.

13. We are required to be sensitive to the fact that there should always be an aim to take to its logical end a statutory activity having regard to the scheme as is pronounced under *the Act of 2014*. That being so, respondent has made out a case that such persons like the petitioner, who requested or sought to be subjected to survey up to 31st July 2024, were duly accommodated, we see no reason to grant further latitude in favour of petitioner, they having not participated in survey prior to 31st July 2024.

14. That being so, the petition stands unmerited and dismissed accordingly.

15. Pending applications, if any, are rendered infructuous.

16. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

OCTOBER 28, 2025/ak/bp