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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16073/2023 CM APPL. 64677/2023 CM APPL. 31963/2024
MR. MANOJ PARADHNANI

.....Petitioner

Through: Mr M M Kashyap, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Ms Puja S Kalra, SC for MCD with
Mr Avinash Kumar Chaudhary,
Admn Officer in person.

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 his trade at the site described as Bhasin Appliances, Gaffar Market, Main Ajmal Khan Road, Karol Bagh, New Delhi-110005 (current site) till the possession of the allotted site being 08/30 wall of Police Station Karol Bagh, Delhi is handed over to the petitioner.
2. The petitioner claims that his father (Sh. Chetan Das, 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 (R.C. Chopra Committee).
3. The petitioner's father was allocated a site described as 08/30 at the squatting zone near wall of Karol Bagh Police Station. The petitioner claims



that the petitioner is required to be handed over the possession of the said site, and till the said site is handed over, he cannot be disturbed from his current site notwithstanding that the same falls in a no hawking, no vending zone.

4. It is stated that although the allotment letter was issued on 05.09.2001, the said site could not be handed over to the petitioner as it was occupied by other street vendors. 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.

5. The learned counsel for the petitioner submits that the street vendors including the petitioner continue to carry on their vending activities in the area of Ajmal Khan Road as the alternate site, which was allotted to the petitioner's deceased father (Site No.08/30 near wall of Karol Bagh Police Station) could not be handed over to him as certain street vendors who had been allotted second category site opposite Bhasin Crockery Ajmal Khan Road Karol Bagh had not shifted from Wall of the Police Station to their allotted site. It is contended on behalf of the MCD that it is not feasible to relocate street vendors at the site opposite Bhasin Crockery, Ajmal Khan Road due to the proximity to a Gurudwara and a school.

6. It is in the aforesaid backdrop the petitioner claims that he be permitted to carry on his trade at his current site at Ajmal Khan Road till the possession of the allotted site is granted to him.

7. 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. Concededly, neither



the petitioner nor his predecessor was allotted the current site.

8. Insofar as the allotment of an alternate site is concerned, the MCD's stand is inconsistent. The MCD has filed a status report confirming that MCD is willing to relocate the petitioner at the allotted site (being Site No. 08/30 wall of Police Station Karol Bagh, Delhi). However, Ms. Kalra, learned counsel appearing for the MCD contends that it is not feasible to relocate the petitioner at the said site as the vendors vending from the said site have not been relocated.

9. In a status report filed by the MCD, it is stated that the matter of the petitioner is considered by the MCD and, Sh. Rishi Arora, who is squatting at the allotted site of the petitioner, would be accommodated at one of the alternative sites being (i) Govt. Quarter, Dev Nagar besides existing *tehbazari* sites; (ii) Padam Singh Road, between Saraswati Road and Ajmal Khan Road or (iii) Moti Nagar, Tanga Stand besides existing *tehbazari* sites.

10. However, it is contended on behalf of the MCD that to obviate any further litigation from the vendors occupying site no.08/30 against wall of police station Karol Bagh, MCD is willing to, as a temporary measure, offer any of the aforesaid sites to the petitioner.

11. The petitioner cannot claim any indefeasible right to occupy the current site.

12. 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 impeded from removing him from the said site.

13. 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.

14. In view of the above, the relief as sought for by the petitioner cannot be granted. However, we bound down the MCD to its statement made on its behalf that it would make available the allotted site to the petitioner.

15. We also clarify that the arrangement put in place by 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.

16. The petition is disposed of in aforesaid terms. Pending applications are also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 28, 2025

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Click here to check corrigendum, if any