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

+ **W.P.(C) 14287/2024 AND CM APPL. 59795/2024**

**MADHURENDRA SAH @ MADHURENDRA
SINGH**

.....Petitioner

Through: **Mr. Anjani Kr. Mishra, Mr. Aditya
and Ms. Pralika Chakraborty, Advs.**

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: **Mr. Akash Chatterjee, Adv. for
R-1 & 2.
Mr. Ashish Goyal, SPC with Mr.
Anurag Singhal Adv. for R-4 &
5/UOI.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

09.01.2025

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1. The instant writ petition under Article 226 of the Constitution of India read with Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 has been filed by the petitioner seeking the following reliefs:

“I. Pass an order directing the respondents to allow the petitioner street vendor to peacefully vend at his vending site i.e., In Front of Shop/Building No 10- F, Samay, Near Spark Mall, Kamla Nagar, Keshav Puram Zone, Ward No.78- N, Delhi without any let or hindrance being caused by any public official.

II. Pass an order directing the respondents, their officials, their



agents etc. be restrained from harassing the petitioner from peacefully vending at his vending site.

III. Pass an order directing the SHO, PS Roop Nagar to ensure that the petitioner street vendor shall not be forcefully removed from his vending site.

IV. Pass an order directing the respondents to comply with the provisions of the Street Vendors Act, 2014 as well as the advisory issued by the Ministry of Housing and Urban Affairs on the suggestions of Hon'ble Parliamentary Standing Committee on Urban Development.

V. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case."

2. Learned counsel appearing on behalf of the petitioner submitted that petitioner is a license holder for the purpose of vending on the site which was allotted to him and despite that, he was illegally removed from his vending site by the MCD and his goods were confiscated. It is further submitted that the petitioner had made representation to the authorities concerned for taking action against the concerned officials and for the release of confiscated goods. Learned counsel further submitted that despite having a survey receipt and vending certificate bearing URI No. 2627873, the petitioner was not allowed to vend peacefully at the designated place.

3. It is vehemently submitted that in view of the facts and circumstances, appropriate directions may be issued to the respondent/MCD to allow him to vend peacefully on the designated site without any interference by the authorities.

4. *Per contra*, learned counsel for respondent no. 1/MCD submitted that



the area which had been designated to the petitioner was declared non-vending site and he has referred to para 5 of the status report, which has been filed by the MCD on 21st November, 2024, which reads thus:

“5. That is has been held in the Judgment dated 21.09.2021 in the matter titled "REDI PATRI FOOTPATH VIKRATA EKATA MUNCH AND ORS Vs SOUTH DELHI MUNICIPAL CORPORATION AND ORS" W.P.(C) 8066/2021 passed by the Hon'ble coordinate Bench of Delhi High Court that "Presence of unauthorized vendors/squatting in no-hawking zone creates mayhem in the area encroached upon- primarily being roads and pavements, which makes it impossible for people as well as traffic to commute through. If any vendors are found in a no-vending zone, the same is a violation of the safety and security of the individuals living in the city, as well as directives and orders passed by this Court as well as the Supreme Court as detailed above".

5. It is also submitted, on instructions, that since the petitioner is holding a valid certificate for vending, petitioner may be directed to make a fresh representation to the competent authority for consideration of allotment of the alternate site to which learned counsel appearing on behalf of the petitioner, on instructions, submitted that MCD may be directed to pass an appropriate order in accordance with law and decide the representation in a time bound manner.

6. Heard learned counsel for the parties. We have perused the contentions raised in the petition as well as in the status report, specifically in para 5, upon which the learned counsel for respondent has placed reliance.

7. Taking into consideration the entirety of the matter and the facts and circumstances of the case, we dispose of the writ petition with the direction to the petitioner to make a detailed representation, annexing the instant writ



petition and the order of this Court, before the competent authority of the MCD, within two weeks, following which the competent authority, taking into account the vending certificate of the petitioner, shall decide the representation and pass an appropriate and reasoned order as expeditiously as possible, preferably within eight weeks, in accordance with law. Pending application, if any, also stands disposed of.

CHANDRA DHARI SINGH, J.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 9, 2025

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Click here to check corrigendum, if any