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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 17th March, 2025
+ **W.P.(C) 15351/2024, CM APPL. 64392/2024 & CM APPL. 13266/2025**

SHEETAL BAWARIAPetitioner
Through: Mr. N.K. Sahoo, Advocate.
versus
NEW-DELHI MUNICIPAL COUNCIL AND ORSRespondents
Through: Mr. R. K. Dhawan, SC with Ms. Nisha Dhawan, Mr. V. K. Teng and Mr. Naman Kumar Thakur, Advocates for R/NDMC.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J.(ORAL)

1. This hearing has been done through hybrid mode.
2. This case is taken up today on office note as, inadvertently, the same was not listed on the previously fixed date of 10th March, 2025.
3. The application, being **CM APPL. 13266/2025**, seeking amendment of memo of parties is allowed and the amended memo of parties has been taken on record today.
4. The present writ petition has been filed by Petitioner – Ms. Sheetal Bawaria under Article 226 of the Constitution of India seeking the following prayers:

“(a) To issue a writ of mandamus or appropriate writs or direction or order or orders, directing the respondents to restrain themselves from disturbing the petitioner till appropriate planning for street vending be prepared under section 21 of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act-2014 and fresh



survey be conducted by under section 3 of the said Act-2014 for vending squatting peacefully on existing place of squatting in front of /opposite Shop No 118 , Sarojini Nagar Market , Sarojini Nagar, New-Delhi- 23 ;

(b) And to pass such other and further order or orders as this Hon'ble court deem fit and proper in the interest of Justice."

5. The case of the Petitioner is that she has been squatting and vending in front of Shop No. 118, Sarojini Nagar Market, New Delhi-23 since 2008 and has been issued regular receipts by the New Delhi Municipal Corporation in recognition of her occupation of the said spot. According to the Petitioner, the Town Vending Committee constituted under the Street Vendors Act, 2014 is conducting a survey and has issued copies of the survey form. The Petitioner prays that her activities should not be disrupted till the survey is properly carried out and she would be allowed to participate in the survey.

6. Ld. Counsel relies upon the receipts from 2008 to 2024, which have been given to the Petitioner.

7. The Court has considered the matter. As per the Aadhar Card, which has been placed on record today, the date of birth of the Petitioner is 11th June, 2004. The first receipt which has been placed on record is of 10th April, 2008 that is when the Petitioner was less than 4 years of age. Clearly, the Petitioner could not have been a vendor at such a young age and it is, therefore, not clear as to whether the receipts which have been placed on record are even believable and credible.

8. While issuing notice on 4th November, 2024, the Court had restrained the Respondents from interfering in the Petitioner's vending activities. However, today after seeing the amended memo of parties and the Aadhar



Card, this Court is convinced that the case of the Petitioner is not a genuine case.

9. Ld. Counsel for the Petitioner at this point submits that his client is eligible today for participating in the survey as Section 4 of the *Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014* clearly stipulates that the prescribed minimum age of 14 years. In the opinion of this Court, the said provision cannot be interpreted in a manner that would permit the issuance of a receipt to an individual who, at the time of such issuance, is not physically capable of operating a vending spot. Such an interpretation of law would render the whole concept of the Street Vending Act completely meaningless.

10. Further, the Court in fact doubts the genuinity of the identity of the Petitioner in relation to the receipts as to whether she is the same person to whom these vending receipts have been issued.

11. Under these circumstances, the court is inclined to hold that the Petitioner is not entitled to any reliefs.

12. Accordingly this writ petition is dismissed. Interim order granted shall stand vacated. All the pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 17, 2025/MR/Ar.