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

+ **W.P.(C) 15723/2024 and CM APPL. 65981/2024**

DINESH

.....Petitioner

Through: Ms. Renu, Mr. Kamlesh Kr. Mishra,
Ms. Shivani Verma, Ms. Pragya
Jaiswal, Ms. Arpita Singh, Ms.
Snigdha Anand, Advocates

versus

COMMISSIONER OF POLICE AND ORS

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil) GNCTD with Mr. Manashwy
Jha, Advocate.
Mr. Avnish Singh, SPC with Mr.
Vishal Kr. Yadav, Mr. Anant Yadav,
Advocates
Ms. Puja S. Kalra, SC with Mr.
Sanjoy Beniwal, LI, MCD for MCD

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

25.02.2025

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1. The petitioner has filed the present petition, *inter alia*, praying as under:

“I. Pass an order declaring the action dated March 2024 of the Respondent Police Officials, Delhi Police of seizing the articles/goods of the petitioner without any notice/acknowledgement/receipt of the goods seized to be illegal, arbitrary, unlawful and against the very mandate of the Street Vendors Act, 2014 and the PMSVANidhi Scheme.

II. Pass an order declaring the petitioner herein as a stationery vendor in terms of the Section 6 of The Act and to further allow him to vend peacefully at his



designated vending spot i.e Near M block T point behind DLF Mall, Mandir Marg, Sector 6, Saket, Delhi 110017.

- III. Pass an order prohibiting the Respondent Police Officials as well as the MCD officials its agents/employees/representatives from causing any let or hindrance in peaceful vending activity of the petitioner at his vending spot i.e Near M block T point behind DLF Mall, Mandir Marg, Sector 6, Saket, Delhi 110017.
 - IV. Pass an order directing the respondent Delhi Police Officials to pay compensation of Rs. One Lac to petitioner for his its illegal act against the petitioner as described in para 1 of the petition.
 - V. Pass an order directing the SHO, PS Saket, New Delhi to ensure that the petitioner street vendor shall not be forcefully removed from his vending site and his goods be seized and he be illegally removed and kept at the police station for the entire day every now and then.
 - VI. Pass an order directing the respondent Police Officials to conduct an enquiry about the seizure of his goods and his illegal removal from his place of vending as mandated under the provisions of the Street Vendors Act, 2014.
 - VII. Pass an order directing the respondent MCD to consider the representation made on behalf of petitioner and pass required orders so that the petitioner is not harassed by any of the authorities as he has the required Certificate Of Vending.”
2. The petitioner states that he is a cobbler and carries on his trade at a spot near M Block, T Point behind DLF Mall, Mandir Marg, Sector-6, Saket, Delhi-110017 (hereafter *the subject site*). The petitioner is aggrieved by the action of the respondents in not permitting the petitioner to carry on his vending activities at the subject site.



3. The petitioner has been issued a Certificate of Vending (CoV) describing his area of vending as South Zone, Ward S-67. The petitioner is a bonafide street vendor and cannot be interdicted from carrying on his activities subject to the petitioner doing so strictly in accordance with the terms and conditions of the CoV. It is relevant to note that one of the terms and conditions (Condition no. 11) of the CoV stipulates that the mobile vendor shall not carry on his vending activities from a given spot for more than thirty minutes or such time as may be fixed by the Town Vending Committee(TVC). Thus, the petitioner cannot carry on his activities from a fixed site beyond the stipulated time.

4. Insofar as the petitioner's prayer that he be declared as a stationary vendor is concerned, no such directions can be issued at this stage. This is because the petitioner has not been allocated any fixed site and therefore, cannot be considered as a stationary vendor.

5. Additionally, the CoVs issued, at this stage, are interim CoVs, which do not classify the street vendors in terms of the categories as stipulated in Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*). The final CoV would be issued by the Second Town Vending Committee (TVC-II), which would be constituted after the survey is complete and will include the representatives of the street vendors.

6. The learned counsel appearing for the MCD also submits that after the Second TVC is constituted, the vending plan in accordance with Section 21 of the Act will be prepared. The question of considering whether allocation of spaces can only be considered at that stage.

7. Insofar as the petitioner's relief that his seized articles be released to



the petitioner, the learned counsel appearing for the police authorities states that certain articles have already been released to the petitioner and the remaining articles will be released to the petitioner on the petitioner approaching the concerned SHO, Police Station Saket.

8. In view of the above, no further directions are required to be passed in this regard. The petitioner shall approach Police Station Saket at 10:30 AM on 27.02.2025 and after verification, the concerned police authority shall release the petitioner's articles to him unconditionally.

9. The petition is disposed of in the aforesaid terms. The pending application is also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 25, 2025
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Click here to check corrigendum, if any