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

+ **W.P.(C) 894/2025**

MRS ASHA & ORS.

.....Petitioners

Through: Mr K.K. Sharma, Sr. Advocate with
Ms Bhanita Patowary and Mr Ravi
Pravesh Rai, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Ms Puja S. Kalra, Standing Counsel
with Mr Virendra Singh, Advocate
for MCD.
Mr Ravi Kant Srivastava, Advocate
for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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30.01.2025

1. The petitioners have filed the present petition *inter alia*, praying as under:

- a. Issue appropriate Writ, order or direction allowing the Petitioners to continue vending activities at the respective vending site Near Nehru Place Bus Terminal ,Central Zone ,New Delhi as Street Vendors peacefully and in accordance with Law, without any illegal interference from the respondent authorities.
- b. Issue appropriate writ, order or direction against the Respondents prohibiting the Respondents from creating hindrance in vending, from removing the Petitioners from their respective vending sites and from confiscating the goods of the Petitioners.
- c. Issue appropriate writ, order or direction against the Respondents directing the Respondent no.1 to make the Town



Vending Committee functional and comply with the provisions prescribed in the Street Vendors (Protection and Regulation) Act

d. Issue appropriate writ, order or direction against the Respondents directing the Respondent no.1 to grant Tehbazari License to the petitioners.”

2. Insofar as the petitioners’ prayer that they be permitted to continue vending at their respective sites is concerned, no such relief can be granted. Admittedly, none of the petitioners have been allocated any specific site for carrying on the vending activities. Apart from petitioner no.1, none of the petitioners have been issued a certificate of vending (COV) as yet.

3. The learned counsel appearing for the MCD has stoutly disputed the authenticity of the COV produced by petitioner no.1. She points out that there are various differences including; (a) the photograph on the COV that has not been taken on the site which is the consistent practice followed by the Town Vending Committee (TVC); (b) that the heading of the COV is in variance with the certificates being issued inasmuch as it mentions the name Dakshin Delhi Nagar Nigam instead of Dakshini Delhi Nagar Nigam; (c) that the logo on the left hand corner of the COV mentions Municipal Corporation of Delhi instead of South Delhi Municipal Corporation; (d) that the QR code displays information in excess of what the QR code should show; and (e) that the notings at the bottom of the certificate are in variance with the COVs issued by the MCD. Although, there are notations at the bottom of the COV against an asterix; the main body of the COV does not contain any asterix, which is other COVs is a suffix to the ward number.

4. Whilst it does appear that the COV is not a correct one, we do not consider it necessary to examine the said COV any further. This is because



one of the terms and conditions of the CoV is that while vendor would not continue vending at the given spot for 30 minutes, therefore, in any event the petitioners' prayer that they be allowed to remain at the sites as claimed by them cannot be acceded to.

5. Insofar as the petitioners' prayer that the TVC be made functional is concerned, this court is informed that the steps are being taken to complete the survey. After the survey is completed, the Town Vending Committee (II) would be constituted which would also include representatives of the street vendors. The final COVs which would classify the street vendors in accordance with Section 6 of the said Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 would be issued thereafter.

6. In view of the above, we do not consider it apposite to pass any order regarding constitution of the TVC in this petition.

7. We clarify that the petitioners are not precluded from participating in the survey and furnishing such documents and material in support of their assertion that they have been vending for several years.

8. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

TUSHAR RAO GEDELA, J

JANUARY 30, 2025/tr

Click here to check corrigendum, if any