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

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**W.P.(C) 143/2018 CM APPL. 599/2018**

**SH. HARVINDER SINGH**

.....Petitioner

Through: Mr Vishal Chaudhary, Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI**

.....Respondent

Through: Mr Kapil Dutta, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

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**17.02.2025**

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

“A) Direct the Respondent, by an appropriate writ, order or direction to set aside/ quash the impugned order dtd.15.10.2010.

B) Direct the Respondents by an appropriate writ, order or direction to allow the petitioner to continue squatting at the present site of squatting i.e. Below the Defense Colony Fly Over, (Near Narula Restaurant) Defense Colony, New Delhi as earmarked in the site plan with Red color annexed with the petition as an Annexure P-1.

C) Direct the Respondent, by an appropriate writ, order or direction for allotment of Tehbazari right/ license to the petitioner at the site of squatting of the petitioner i.e. below the Defense Colony Fly Over, (Near Narula Restaurant) Defense Colony, New Delhi as earmarked in the site plan with Red color annexed with the writ petition as an Annexure P-1.

AND/OR

D)Direct the presiding officer of the Respondent, by an appropriate writ, order or direction to re-consider the application dtd.24.12.2009 of the petitioner afresh on the merits in the category of special cases for allotment of Tehbazari to the petitioner at the present place of squatting as annexed in the site plan of the writ in color



Red in Annexure P-1 in accordance with the judicial pronouncement/ observations of the Hon'ble Supreme court and the Hon'ble Delhi High court.”

2. The petitioner claims that he is a street vendor and has been carrying on his vending activities (selling fruit juice) at the site described as “Below the Defense Colony Fly Over, (Near Narula Restaurant), Defense Colony, New Delhi”.
3. The petitioner states that the Municipal Corporation of Delhi (MCD) is intending to remove him from the above site, which is not permissible in view of Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter *the Act*).
4. The learned counsel appearing for the MCD states that the petitioner's grievance is unfounded. The petitioner has produced material to establish that he was carrying on street vending activities on the date when the Act came into force, that is, 01.05.2014 and is continuing to do so. Mr Dutta, the learned counsel appearing for the MCD states that the petitioner has been surveyed and has been issued the certificate of vending (CoV). Therefore, he will not be interdicted from carrying on vending activities subject to the petitioner doing so strictly in terms of the CoV.
5. It is noted that the CoV issued to the petitioner is an interim CoV and requires the petitioner not to carry on the vending activities from the given site for more than thirty minutes. This condition will not be applicable in the given facts of this case. More so, considering that the petitioner suffers from forty percent (40%) disability. However, the petitioner will necessarily have to conform to the norms as prescribed, that is, carry on the vending activities from the space which is Open to Sky and not more than 6X4 Feet. The



learned counsel for the MCD states that the petitioner has raised some permanent / semi-permanent structures, which is impermissible.

6. We find merit in the aforesaid contention advanced on behalf of the MCD. Since the petitioner has not been allocated any site, he cannot be allowed to raise any semi-permanent or permanent structure and would necessarily have to comply with the norms which are being followed by other street vendors. He is required to confine his vending activities from the space measuring 6X4 feet.

7. In view of the above, we consider it apposite to dispose of the present petition by directing that if the petitioner carries on vending activities in compliance of the aforesaid norms, the MCD shall not interfere with the petitioner carrying on his vending activities. However, the MCD is not precluded from taking the necessary action if the petitioner does not comply with the norms as stipulated. It is clarified that this order serves as an interim measure till a vending plan is prepared in accordance with Section 21 of the Act.

8. Needless to state that this order will not preclude the petitioner from seeking appropriate classification as stipulated under Section 6 of the Act.

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

**VIBHU BAKHRU, J**

**RAVINDER DUDEJA, J**

**FEBRUARY 17, 2025**

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[Click here to check corrigendum, if any](#)