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

+ **W.P.(C) 15643/2023**

**NATIONAL ASSOCIATION OF
STREET VENDORS OF INDIA & ORS** Petitioners

Through: **Mr. Varun Singh, Ms. Kajal S. Gupta
and Ms. Somesa Gupta, Advocates**

versus

MUNICIPAL CORPORATION OF DELHI & ORS Respondents

Through: **Ms. Puja Kalra, Standing Counsel for
MCD with Mr. Virendra Singh,
Advocates**

**CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

ORDER
05.12.2023

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CM APPL. 62639/2023

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 15643/2023, CM APPL. 62638/2023 & CM APPL. 62640/2023

3. It is the submission of learned counsel for the petitioners despite the letter of recommendation issued to him, Annexure P-7, his goods have been confiscated by the MCD.
4. The submission of learned counsel for MCD is since the petitioners were hawking in a "No Vending Zone", hence their goods were confiscated and shall be released in case an appropriate application is filed before the

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concerned authority.

5. The learned counsel for the petitioner submits an application has been moved on 17.07.2023. It be decided by the concerned authority within two weeks from today.

6. It is the submission of learned counsel for the MCD that Nehru Place is a “No Vending Zone”, and also rely upon paras 47 and 48 of *Vyapari Kalyan Mandal Main Pushpa & Anr vs. South Delhi Municipal Corporation & Ors*, reported as *2017 SCC OnLine Del 8962* to say the petitioners can't be allowed to vend in Nehru Place area, it being a “No Vending Zone”. Paras 47 and 48 are as under:-

"47. As per the Act, the declaration of no-vending zone is to be carried out by the Plan for Street Vending to be prepared by the local authority in consultation with the Town Vending Committee [Section 21 read with the First Schedule]. At the same time, Clause 3(e) of the First Schedule provides that till the completion of survey and formulation of the plan, no zone shall be declared as a no-vending zone. This clause merely prohibits any further declaration of no-vending zones and does not nullify the existing demarcation by the municipal authorities. On the contrary, it tacitly recognises that certain areas might have already been declared as no-vending zones.

48. Accordingly, we also subscribe to the view taken by the coordinate bench of this Court Hawkers Adhikar Suraksha Samiti (Supra) in its order dated 05.10.2016 that as an interim measure, the non-squatting zones declared under the old schemes shall continue to be non-squatting zones for the time being. Hence, the protection of Section 3(3) shall not extend to vendors in no-vending zones"

7. At this stage, the petitioners submit they may be allowed to vend at places, not declared as “No Vending Zone”. At this stage we don't wish to



interfere in the rights, if any, of the petitioners, permissible under the law.

8. The status report, however, be filed by the MCD within four weeks from today.

9. List again on 14.02.2024.

YOGESH KHANNA, J

TUSHAR RAO GEDELA, J

DECEMBER 5, 2023/nd