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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 17.10.2023

W.P.(C) 12619/2023 & CM APPL. 49791/2023 (for ad interim ex-parte order)

REHRI PATRI EKTA MANCH

..... Petitioner

Versus

MUNICIPAL CORPORATION OF DELHI AND ORS..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Krishna Gopal Mishra & Mr. Lokesh Pant, Advocates.

For the Respondents : Ms. Tajinder Viridi, Standing Counsel for MCD (through *video-conferencing*)
Mr. Divyam Nandrajog, Panel Counsel GNCTD with Mr. Jatin Dua, Advocate.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANISH DAYAL

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

1. The present writ petition under Article 226 of the Constitution of



India, 1950, has been instituted by petitioner Association, praying as follows:-

“In the facts and circumstances stated herein above, it is Most Respectfully prayed that this Hon'ble Court may graciously be pleased to:

1. Pass an Order directing the respondents to ensure that the petitioner Street Vendors be allowed to peacefully vend in terms of the vending certificate issued to them, on their vending sites i.e., On Pavement at Lal Quila Metro Gate No. 1, Old Lajpat Rai market from opposite Shop No. 1 to shop no. 848 near dewan Hall Road City SP Zone, Ward 84 N, Delhi without any hindrance being caused by any public official.

2. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from peacefully vending at their vending sites.”

2. Issue notice.
3. Ms. Tajinder Viridi, learned Standing Counsel, accepts notice on behalf of the MCD and Mr. Divyam Nandrajog, learned counsel accepts notice on behalf of the GNCTD.
4. Learned Standing Counsel appearing on behalf of the MCD, has invited our attention to the terms and conditions, permitting the petitioners to vend.
5. For the sake of completeness, the said terms and conditions attached to the Certificates of Vending, are reproduced herein below:-



- “1. Vendor shall not have any other permanent or long-term vending certificate.
2. Vending certificate is non-transferable.
3. It is mandatory for the vendor to follow the vending period and zone as determined by TVC or local body.
4. Vendor shall not give his vending certificate on rent in any way.
5. Vendor shall not have any infectious disease.
6. Vendor shall have to take care of hygiene on vending place/zone and nearby area and also take care of public health.
7. Vendor shall display copy of vending certificate on his place/vending site and will produce original documents to TVC/concerned inspector whenever required.
8. Vendor/Squatter shall insure that no hindrance be caused to pedestrian and vehicular moment.
9. Vendor shall not vend/sell any harmful, dangerous and polluted items. It should also be ensured that the quality of the products sold and services provided to the public conform to the prescribed standards of public health, hygienic conditions and safety.
10. The street vendor shall not do any unauthorized/illegal activity.
11. **Mobile vendors shall not stay or vend more than 30 minutes or time prescribed by the TVC at place in a vending/squatting zone.**
12. Vendors will not block footpaths and will not vend on roads. Vendor should take care of space in front of vending stalls/counters on footpath for pedestrians.
13. Vending certificate can be cancelled or suspended on the basis of violations.
14. Vendor shall not build or construct any kind of permanent or temporary structure at vending site.
15. Seller shall adopt health and hygiene conditions as required by local laws and court orders.
16. Vendor have to follow all the conditions mentioned in Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019.”

6. In terms of the Certificates of Vending issued to the vendors of the



petitioner Association, it is clearly stipulated that they cannot vend from any particular location, contrary to the express terms of **Clause no. '11'**, of the said Certificates of Vending. It is further observed that since the Town Vending Committee (TVC) is yet to fix a time limit, providing for a period, during which a vendor can vend from any particular spot, the stipulation of 30 minutes time, contained in the said clause, is binding on the said vendors, at this stage. Learned counsel appearing on behalf of the petitioner Association states, that they do not pray for the relief for the said vendors, running their business from any particular vending site, within the zone where they have been permitted to vend by the Municipal Corporation of Delhi, and further, the limited relief that is prayed for, is to permit the said vendors to vend strictly, in accordance with the terms and conditions of the Certificates of Vending, issued by the Municipal Corporation of Delhi.

7. It is an admitted position that the Town Vending Committee (TVC), has in terms of the directions issued by this Court, from time to time, as well as, in terms of the mandate of **Section 3 (Survey of street vendors and protection from eviction on relocation)** and **Section 4 (Issue of certificate of vending)** of the **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**, carried out a survey, in some of



the areas under the MCD zones; pursuant to which, the following vendors have been issued certificates of vending, which are annexed as **Annexure P-3**, to the present writ petition.

| <u>S.NO.</u> | <u>NAME OF THE STREET VENDORS</u> | <u>DATE OF ISSUE OF VENDING CERTIFICATE</u> | <u>PLACE OF VENDING</u> | <u>VENDING CERTIFICATE (URI)</u> | <u>CATEGORY</u> |
|--------------|-----------------------------------|---|-------------------------|----------------------------------|-----------------|
| 1 | Sumitra Devi | 12.04.2022 | City-SP Zone, Ward-84-N | 1338043 | <i>Others</i> |
| 2 | Raj Kumar | 07.11.2021 | City-SP Zone, Ward-84-N | 7100897 | <i>Others</i> |
| 3 | Parvesh Kumar Yadav | 07.11.2021 | City-SP Zone, Ward-84-N | 9566688 | <i>Others</i> |
| 4 | Lalit Kumar Yadav | 31.01.2022 | City-SP Zone, Ward-84-N | 7790590 | <i>Others</i> |
| 5 | Saurabh Srivastava | 28.02.2022 | City-SP Zone, Ward-84-N | 8549446 | <i>Others</i> |
| 6 | Chetram | 07.11.2021 | City-SP Zone, Ward-84-N | 7300550 | <i>Others</i> |
| 7 | Vinod | 07.11.2021 | City-SP Zone, Ward-84-N | 2614762 | <i>Others</i> |
| 8 | Manish Gupta | 07.11.2021 | City-SP Zone, Ward-84-N | 8342081 | <i>Others</i> |
| 9 | Amresh Yadav | 28.02.2022 | City-SP Zone, Ward-84-N | 8882177 | <i>Others</i> |
| 10 | Hemant Kumar | 07.11.2021 | City-SP Zone, | 4551686 | <i>Others</i> |



| | | | | | |
|----|--------------------------------|------------|-------------------------------|---------|--|
| | | | Ward-84-N | | |
| 11 | Md. Shabir | 07.11.2021 | City-SP Zone, Ward-84-N | 5847791 | <i>Food/ Snack with gas cylinder/ fire</i> |
| 12 | Geeta Devi | 31.01.2022 | City-SP Zone, Ward-84-N | 9877171 | <i>Fresh Fruits/ Vegetables/ Perishables</i> |
| 13 | Jaiprakash Sudhish Kumar | 07.11.2021 | City-SP Zone, Ward-84-N | 1290360 | <i>Others</i> |
| 14 | Sonali Thakur | 07.11.2021 | City-SP Zone, Ward-84-N | 3427567 | <i>Others</i> |
| 15 | Krishna Devi | 07.11.2021 | City-SP Zone, Ward-84-N | 3256743 | <i>Others</i> |
| 16 | Jaikishan Dass Bachani | 07.11.2021 | City-SP Zone, Ward-84-N | 2046273 | <i>Others</i> |
| 17 | Raju | 07.11.2021 | City-SP Zone, Ward-84-N | 4560669 | <i>Others</i> |
| 18 | Arjun Kumar | 07.11.2021 | City-SP Zone, Ward-84-N | 3133554 | <i>Others</i> |
| 19 | Anjali Devi | 07.11.2021 | City-SP Zone, Ward-84-N | 3113339 | <i>Others</i> |
| 20 | Mohammad Abdul | 07.11.2021 | City-SP Zone, Ward-84-N | 1775792 | <i>Others</i> |
| 21 | Mohd Alam | 07.11.2021 | City-SP Zone, Ward-84-N | 9623753 | <i>Others</i> |
| 22 | Anuj Kumar Srivastava | 07.11.2021 | City-SP Zone, Ward-84-N | 6370856 | <i>Food/ Snack with gas cylinder/ fire</i> |



8. In view of the foregoing, learned counsel appearing on behalf of the petitioner Association, categorically limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit the above-mentioned street vendors, to continue to vend within **City-SP Zone, Ward-84-N**, strictly and scrupulously in compliance with the terms and conditions of the said certificate of vending, particularly **Clause no. 11**, and in accordance with law.

9. In view of the above, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit the above-mentioned street vendors, to vend within **City-SP Zone, Ward-84-N**, subject to the terms and conditions of their certificates of vending, without any let or hindrance.

10. Needless to state that the above-mentioned vendors will be at liberty to articulate any difficulties faced by them, before the appropriate authorities, in accordance with law, in relation to the certificates of vending, insofar as it employs the expression '*Others*'.

11. These directions have been passed only in respect of those vendors, whose Certificate of Vending (COV) have been appended with the present petition.



12. No further directions are prayed for.
13. With the above directions, the writ petition is disposed of accordingly.
Pending application also stands disposed of.
14. A copy of this judgment be uploaded on the website of this Court
forthwith.

**SIDDHARTH MRIDUL
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

OCTOBER 17, 2023
Aanchal