

Narender Gupta vs Municipal Corporation Of Delhi And Ors on 1 May, 2023

Author: Siddharth Mridul

Bench: Siddharth Mridul, Talwant Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 5518/2023 & CM APPL. 21612/2023 (Interim Relief)

NARENDER GUPTA

Through:

Ms. Shivalika, Mr. A
Kamlesh Kr. Mishra,
Kumar Jha and Mr. Ak
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

..... Respondents

Through: Mr. G.S. Oberoi, Standing Counsel
with Mr. Ankur Sharma, Advocate
for MCD.

Ms. Urvi Mohan, Advocate for R-2
and R-3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

% 01.05.2023 The present writ petition under Article 226 of the Constitution of India, 1950, has been instituted on behalf of the petitioner, praying as follows:-

"I. Pass an Order directing the respondents to ensure that that the petitioner is allowed to peacefully vend on his vending site i.e., on the pavement, B-1, Local Shopping Centre, Opposite Delhi Jal Board, Vasant Kunj, South Zone, Ward-S-69, Delhi without any hindrance being caused by any public official. II. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioners from Signing Date:06.05.2023W.P.(C) III. Pass an order directing the SHO, PS Vasant Kunj (North) to ensure that the petitioner street vendor shall not be forcefully removed from his vending site. IV. Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationery street vendor.

V. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and circumstances of the above-mentioned case".

Issue notice.

Mr. G. S. Oberoi, learned Standing Counsel accepts notice on behalf of the Municipal Corporation of Delhi (MCD) and Ms. Urvi Mohan, learned Counsel accepts notice on behalf of respondent Nos. 2 and 3.

Learned Standing Counsel appearing on behalf of the Municipal Corporation of Delhi (MCD), has handed-up in the Court today, the terms and conditions, permitting the petitioner to vend. Let the same be taken on the record. For the sake of completeness, the said terms and conditions attached to the Certificate 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 Signing Date:06.05.2023W.P.(C) 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".

It is an admitted position that pursuant to the survey carried by the concerned Town Vending Committee (TVC), Mr. Narender Gupta has been issued a certificate of vending dated 09.03.2022 (URI: 8215826), annexed as Annexure P-2, to the present writ petition.

In view of the foregoing, learned counsel appearing on behalf of the petitioner, limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit Mr. Narender Gupta, street vendor, to continue to vend within South Zone, Ward- S-69, scrupulously and strictly in compliance with the terms and conditions of the said certificates of vending.

In view of the foregoing, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit Mr. Narender Gupta, to vend within South Zone, Ward- S-69, subject to the terms and conditions as specified in their certificates of vending, and in particular, Clause Nos. 8, 11, 12 and 13 thereof, without let or hindrance.

Signing Date:06.05.2023W.P.(C) No further directions are prayed for.

With the above directions, the writ petition is disposed of accordingly. The pending application(s), if any, also stand disposed of.

Copy of this order be uploaded on the website of the Court.

SIDDHARTH MRIDUL, J TALWANT SINGH, J MAY 1, 2023/nk Click here to check corrigendum, if any Signing Date:06.05.2023W.P.(C)