

Rajesh Kumar vs Special Cp, Traffic Management ... on 3 April, 2025

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision

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W.P.(C) 4214/2025

RAJESH KUMAR

Through: Mr. Aditya, Mr. Anja
Mr. Kailash Kr. Jha,
Ms. Pralika Chakrabo

versus

SPECIAL CP, TRAFFIC MANAGEMENT DIVISION AND ORS

.....Re

Through: Mr. Ravi Kant Srivastava, Sen
Panel Counsel for R-1 to R-4.
Ms. Puja S. Kalra, Standing C
with Mr. Virendra Singh, Adv
MCD.
Mr. Swapan Singhal, Advocate
Sameer Vashisht, Standing Cou
for GNCTD/ R-7.
ASI Devender Singh, Parvi Off
Traffic.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present petition has been filed under Article 226 of the Constitution of India by the Petitioner seeking issuance of appropriate directions to the Respondents to allow the Petitioner to vend peacefully and without any interference at his designated spot i.e., on the footpath near Kashmere Gate Metro Station Gate No.7, ISBT, Kashmere Gate, City-SP Zone, Ward-83N, New Delhi.

3. The Petitioner herein is a person suffering with physical disability due to amputation of his left leg. He is a vendor who is vending on the footpath near Kashmere Gate Metro Station Gate No.7, ISBT, Kashmere Gate. It is his submission that considering his disability, even though the Certificate of Vending ('CoV') does have a condition that he is a mobile vendor and he has to move after every

thirty minutes, an exemption with regard to the same be granted, considering his disability. Hence, the Petitioner seeks for issuance of an appropriate direction to be permitted to vend from the same spot without having to move.

4. Ld. Counsel for the Petitioner also relies upon the photograph placed as 'Annexure P-3' (page No. 42) in the petition to show that the cart is a mobile vending cart.

5. Petitioner further relies upon a similar order dated 11th July, 2024 passed in W.P.(C) 2145/2024 titled Mohammad Ikram Ansari v. Commissioner of Police & Ors. passed by a Co-ordinate Bench of this Court.

6. Ld. Counsel for the Respondent submits that the Petitioner's vending cart is parked on the footpath near the Kashmere Gate Metro Station and it creates hindrance to the ingress and egress of the metro station.

7. Heard both parties.

8. After having considered the matter, it is noted that there is no doubt upon the condition in the Vending Certificate that the Petitioner would have to move after every thirty minutes. However, bearing in mind the nature of Petitioner's disability and taking an empathetic view of the same, it is directed that the Municipal Corporation of Delhi ('MCD') shall allocate a specific space to the Petitioner in the same vicinity from where he can vend his goods, subject to the condition that no rights shall be claimed in respect of the said space.

9. In addition, since this is an order which is being passed in the case of the Petitioner who is specially abled, this shall also not be treated as a precedent.

10. As per the above stated directions, let the space be identified by the MCD in the same vicinity of Gate no.7, Kashmere Gate Metro Station, within two weeks, while ensuring that no hindrance is caused to the ingress and egress of the metro station.

11. The Petitioner shall also not create any permanent structure and the vending cart shall be maintained in the same manner, as has been shown in the photograph filed in the present petition.

12. The petition is disposed of in these terms. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH JUDGE RAJNEESH KUMAR GUPTA JUDGE APRIL 3, 2025/nd/ss