

Ram Kumar vs Town Vending Committee (Ndmc) Through ... on 9 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) 4542/2025 & CM APPL. 21021/2025

RAM KUMAR

Through: Mr. Aastha Dhawan, Advocate

versus

TOWN VENDING COMMITTEE (NDMC) THROUGH
CHAIRPERSON & ANR.

.....Respondent

Through: Ms. Mehak Nakra, Mr. Aditya Goyal,
Ms. Gunjan & Ms. Bhavya Nakra,
Advocates for NDMC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode. CM APPL. 21022/2025 (for exemption)
2. Allowed, subject to all just exceptions. Application is disposed of. W.P.(C) 4542/2025 & CM APPL. 21021/2025
3. This writ petition has been filed by the Petitioner-Ram Kumar under Article 226 of the Constitution of India inter alia seeking a direction to the Respondent-Town Vending Committee (hereinafter "TVC") to include the Petitioner in the town vending survey.
4. It is the case of the Petitioner that he has been vending near Gate No. 1, Palika Bazar, New Delhi since 1988. It is further submitted by the Petitioner that he has been named in the list of 628 recognized vendors prepared by the NDMC in pursuance of directions of the Supreme Court vide order dated 1st May, 2012.
5. The first time NDMC tried to depose him from his vending site, the Petitioner along with other similarly placed vendors had previously filed a writ petition, being W.P.(C). 4524/2011 seeking the Court to direct NDMC not to disturb/dispossess them from their respective vending sites. The said writ petition was disposed of by a Id. Single Judge of this Court in the following terms:

"Be that as it may, it is the admitted case of the petitioners that the petitioners who are eligible for allotment of alternate sites are squarely covered by the judgment of this Court in W.P.(C) No.3364 of 2011 titled as Deepak Singh v NDMC Ors decided on 25.05.2011. The decision of the said case- shall. apply to all the petitioners who are eligible for allotment of alternate sites and whose names find mention in the list prepared in this regard.

It is submitted by learned counsel for respondent NDMC that the time of squatting as recommended by Thareja Committee and approved by the Hon'ble Supreme Court being "sunrise to sunset" may be directed to be applied to the petitioners. On the other hand, learned counsel for the petitioners submit that the scheme as formulated by NDMC in the year 2006 has already, been approved by the Supreme Court in the case of Sudhir Madan and others v MCD & Others 2007(8) SCALE 339 on 17" May, 2007.

Without going into all these details, the scheme of NDMC as approved by the Supreme Court in the aforesaid case shall apply to the petitioners. Till the eligibility as squatters is decided, they shall not be disturbed or dispossessed from their respective sites.

In W.P.(C) No.4525/2011, it is submitted by learned counsel for the petitioner that in the eligibility list of squatters prepared by NDMC, the name of the petitioner is not mentioned though an application in this regard has been filed by the petitioner with NDMC. Learned counsel for the respondent submits that he will inform the respondent in this respect and necessary action will be taken. That satisfies the petitioner.

These petitions stand disposed of.

Dasti."

6. Thereafter, the Petitioner is stated to have been removed from the said vending site in October, 2016 when Palika Bazar was declared as a non- vending zone. At that stage, the Petitioner filed a second writ petition, being W.P.(C) 6146/2017, in which the following order was passed on 3rd October, 2018 :

"The petitioners claim themselves to be regular street vendors and their names find mentioned in the list of 628 eligible vendors, which was prepared by NDMC. Their removal by the officials of the respondents has led to the filing of the present writ petition. Counsel for the NDMC has submitted before us that the present petitioners have not been vending regularly and as of today area around Palika Bazar has reached a saturation point. At this stage, counsel for the petitioners has submitted that an alternate site should be provided to the petitioners in and around Palika Bazar area. Counsel for the NDMC/respondent submits that no street vendors, other

than authorised license holders are being allowed to vend in and around Palika Bazar area. Counsel for the NDMC/respondent, on instructions, submits that if the petitioners are interested in an alternate site at Laxmi Bai Nagar market, the same can be offered to them subject to verification of their documents.

Mr.Datar, counsel for the petitioners, submits that those petitioners who are interested in an alternate site in Laxmi Bai Nagar market, would approach the NDMC and other would approach the TVC seeking their entitlement with all supporting documents. In view of the submissions made by the counsels for the parties, the petition stands disposed of."

7. A perusal of the above order reveals that the Petitioner was, as an alternate relief, permitted to approach the NDMC to obtain the alternate site in Laxmi Bai Nagar for vending. However, the Petitioner did not approach NDMC at that stage and rather chose to approach the TVC seeking entitlement over his original site at Palika Bazar.

8. A survey was initially conducted in 2018, which was subsequently scrapped. Thereafter, the Delhi Street Vendors Vending Scheme, 2019 was introduced, pursuant to which a fresh survey is presently being undertaken by the Town Vending Committee. The present writ petition has been filed by the Petitioner seeking inclusion in this ongoing survey. The Petitioner also prays for allotment of a temporary vending site in the Connaught Place area.

9. Considering that the Petitioner is part of the list of 628 vendors recognized by the NDMC, the Petitioner shall be entitled to participate in the survey.

10. Insofar as alternate site is concerned, the NDMC may consider allotment of an alternate site to the Petitioner in the NDMC area bearing in mind the seniority of the Petitioner and subject to availability of the space. Let the alternate space be allotted within a period of two months.

11. The Petition is disposed of. All pending applications, if any, stand disposed of.

PRATHIBA M. SINGH JUDGE RAJNEESH KUMAR GUPTA JUDGE APRIL 9, 2025/da/Ar.