

# Mohammed Samjad And Ors vs Municipal Corporation Of Delhi And Ors. 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) 4544/2025 & CM APPL. 21028/2025

MOHAMMED SAMJAD AND ORS

Through: Mr. Shiyas K.R., Advocate

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondent

Through: Ms. Neha Rastogi along with Mr.

Animesh Rastogi, Advocates for R-3

Ms. Palak Gupta, Advocate for R-3

(through VC).

Ms. Beenashaw Soni for MCD.

SI Manisha, PS Hauz Khas.

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. 21027/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of. W.P.(C) 4544/2025 & CM APPL. 21028/2025

3. This writ petition has been filed under Article 226 of the Constitution of India by the following eleven Petitioners-

(i) Mohammad Samjad, Aged 44, S/o Akimuddin,

(ii) Leela Devi, Aged 64, D/o Sita Ram,

(iii) Balbir Singh, Aged 70, S/o Kishan Devi,

(iv) Mokhtar Ahamad, Aged 31, S/o Md. Iwanul,

- (v) Shivam Gupta, Aged 25, S/o Ramarcha Gupta,
- (vi) Shabbir Ahmad Aged 32, S/o Md. Aqueenuddin Paroo Majhaulity Bichla Tola,
- (vii) Shiv Kumar Chaudhary, Aged 52, S/o Laxman Chaudhary,
- (viii) Md Rizwan Siddiqui, Aged 122, S/o Amjad Siddiqui,
- (ix) Shankar Shah, Aged 26, S/o Ram Archa,
- (x) Md Imran Siddiqui, Aged 25 S/o Md Amjad Siddiqui &
- (xi) Rani Musrat, Aged 19, D/o Moh Samjad seeking the following reliefs:
  - a. Direct Respondent Nos I and 2 to allow the Petitioners to continue street vending at the premises of South Zone, Ward S 62, Yusuf Sarai, New Delhi, without any hindrance.
  - b. Direct Respondent Nos. 1 and 2 to abstain from any adverse action that results in the eviction of the petitioners in the future.
  - c. Direct Respondent No.1 and Respondent No.2 to compensate the loss of perishable/damaged goods seized during the eviction held contrary to the Street Vendors (protection of Livelihood and Regulation of Street Vending) Act, 2014 and Street Vendors Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019. d. Direct the Respondents no. 1, 2 and 3 to strictly follow Section 12(1) of the Street Vendors (Protection of Livelihood and Regulation of Street Vendors) Act, 2014 and to not evict any vendor unless the procedure given in the statute is followed.
  - e. Direct Respondent NO.3 to order a departmental enquiry against the officers who misinterpreted the order of this Hon'ble Court vide dated 18.03.2025 in Manish Meena v Municipal Corporation of Delhi Through its Commissioner & Anr., WP (C) 3581/2023. f. Direct Respondent No.3 to take appropriate action against the officers who removed the hawkers under the disguise of the order vide dated 18.03.2025 in Manish Meena v Municipal Corporation of Delhi Through it's Commissioner & Anr., WP (C) 3581/2023 by this Hon'ble Court.
  - g. Pass such other and further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

4. The case of the Petitioners is that they have been vending as street vendors in the Yusuf Sarai area, New Delhi for several years. Vending certificates have also been issued to them. The Petitioners were aggrieved by the fact that on 22nd to 24th March, 2025 the Petitioners were

removed from their vending site by Respondent No. 1 - Municipal Corporation of Delhi (hereinafter 'MCD') with the help of Respondent No.2 - Commissioner, Delhi Police. It is also submitted that, in the process of being removed, even the goods of the Petitioners have been seized by MCD.

5. Id. Counsel for the Petitioner submits that no notice was issued prior to their removal. He further submits that the Petitioners are street vendors whose livelihoods depend upon these vending sites. He prays that the Petitioners may be allowed to continue to vend their wares in their respective sites.

6. On the other hand, Ms. Beenashaw Soni, Id. Counsel appearing for MCD submits that all the Petitioners are mobile vendors who, in terms of condition no. 11 of the vending certificate, cannot vend in one place for more than 30 minutes. They were removed upon being found in violation of the said condition. Specifically it is submitted that some of the Petitioners had, in fact, raised semi-permanent structures in their respective vending sites in express violation of the condition mentioned above.

7. Having heard the Id. Counsels for the parties it is clear that the certificate of vending clearly stipulates as under:

"11. A mobile vendor shall not stay at any location within a hawking/vending zone for more than 30 minutes or the time prescribed by the TVC. The vendor shall not stay or conduct any vending activity in a non- vending zone."

8. The Court has no doubt about the fact that all vendors have to abide by all the conditions mentioned in their vending certificate including the above extracted condition. The photographs which have been placed on record leave no doubt in the mind of the Court that semi-permanent structures were, in fact, raised by the vendors for vending their wares. In such case, no objection can be justifiably raised in respect of removal of such vends.

9. The vendors shall ensure that they comply with all the conditions in the certificate of vending failing which the authorities would be entitled to take action in accordance with law.

10. Under these circumstances, the only relief the Petitioners are entitled to is that their vending activities shall not be disturbed subject to the condition that they continue to vend as per the vending certificate and the terms and conditions contained therein.

11. Some of the goods of the Petitioners are stated to be seized by the MCD. If so, the Petitioners are free to approach the MCD for release of the said goods, which shall be released within 24 hours from the time they approach, as per Rules.

12. The writ petition is disposed of in the above terms. Pending applications, if any, stands disposed of.

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