
(2022) 06 DEL CK 0108

In the Delhi High Court

Case No : Civil Writ Petition No. 9523, 9524, 9525, 9526, 9527, 9547 Of 2022

Ravinder Kul

APPELLANT

Vs

New Delhi Municipal Council & Anr

RESPONDENT

Date of Decision : 17-06-2022

Acts Referred:

Street Vendors Act, 2014 — Section 3(1), 3(3)

Citation : (2022) 06 DEL CK 0108

Hon'ble Judges : Jyoti Singh, J;Anoop Kumar Mendiratta, J

Bench : Division Bench

Advocate : Dharmender Sharma, Bharat Aggarwal, Sri Harsha Peechara, Arun Panwar,

Final Decision : Disposed Of

Judgement

Jyoti Singh, J

CM APPL. 28445/2022 & 28446/2022 (exemptions) in W.P.(C) 9523/2022

CM APPL. 28447/2022 & 28448/2022 (exemptions) in W.P.(C) 9524/2022

CM APPL. 28449/2022 & 28450/2022 (exemptions) in W.P.(C) 9525/2022

CM APPL. 28451/2022 & 28452/2022 (exemptions) in W.P.(C) 9526/2022

CM APPL. 28456/2022 & 28457/2022 (exemptions) in W.P.(C) 9527/2022

CM APPL. 28498/2022 & 28499/2022 (exemptions) in W.P.(C) 9547/2022

1. Allowed, subject to all just exceptions.

2. Applications stand disposed of.

W.P.(C) 9523/2022, W.P.(C) 9524/2022, W.P.(C) 9525/2022, W.P.(C) 9526/2022, W.P.(C) 9527/2022 and W.P.(C) 9547/2022

3. Present petitions raise common questions of law and are being decided by a

common order.

4. These writ petitions have been filed seeking directions to Respondents No. 1 and 2 to allow the Petitioners to operate at their respective vending sites, the details of which have been mentioned in the writ petitions, till the final decision of the Town Vending Committee ('TVC'), after completion of the survey.

5. As per the case set out in the writ petitions, Petitioners are stated to be vending at their respective sites for the last several years and had applied under the Urban Street Vendor Scheme, 2007 for Tehbazari and claim to be part of the eligibility list of 628 vendors.

6. It is contended by learned counsel for the Petitioners that in the year 2018, a survey was conducted by the TVC at the present vending sites and the Petitioners were issued acknowledgement slips recognizing their presence. As per Section 3(3) of the Street Vendors Act, 2014, no street vendor shall be evicted or, as the case may be, relocated till the survey specified under Section 3(1) has been completed and certificate of vending is issued to all the street vendors. However, contrary thereto, Respondents are illegally and arbitrarily removing the Petitioners from their vending sites, leaving no option to the Petitioners but to approach this Court. In a similar matter bearing W.P.(C) No. 9289/2022, a Division Bench of this Court, vide order dated 03.06.2022, has given a direction to the Respondents to allow the vendor therein to continue at his current vending site.

7. Mr. Peechara, learned Additional Standing counsel appearing on behalf of Respondent No. 1/NDMC, while denying the averments and allegations made in the writ petitions, submits that the Petitioners have approached this Court without even making a representation to Respondent No.1.

8. Learned counsel for the Petitioners, at this stage, submits that representation(s) shall be made to Respondent No.1 raising their grievances within a period of one week from today and further prays that directions be issued to Respondent No.1 to decide the same expeditiously considering the nature of relief sought.

9. Accordingly, the present writ petitions are disposed of, granting liberty to the Petitioners to make representation(s) to NDMC, within a period of one week from today.

10. The representation(s) shall be decided by NDMC within a period of two weeks from the date of their receipt.

11. Needless to state that the representation(s) will be decided in accordance with law and policies in question and a detailed and speaking order shall be passed thereon.

12. In case the Petitioners are aggrieved by the order(s) so passed, they will be at liberty to resort to appropriate remedies, available to them, in accordance with

law.