

(2023) 05 DEL CK 0140

In the Delhi High Court

Case No : Civil Writ Petition No. 6711 Of 2023, Civil Miscellaneous Application
No. 26255 Of 2023

S Khan

APPELLANT

Vs

Govt. Of Nct Of Delhi & Ors

RESPONDENT

Date of Decision : 19-05-2023

Acts Referred:

Constitution of India, 1950 — Article 226
Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014
— Section 3(3)

Citation : (2023) 05 DEL CK 0140

Hon'ble Judges : Siddharth Mridul, J; Talwant Singh, J

Bench : Division Bench

Advocate : Ram Narayan Singh Anand C. Shailani, Rajender Kumar, Abhinav Garg, Mihir Gujjewar, i Harsha Peechara, Harshita Gupta, Mananjay Mishra

Final Decision : Disposed Of

Judgement

Siddharth Mridul, J

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

A. Direct the Respondents not to dispossess, or obstruct or disturb the Petitioners in carrying on his trade from his site i.e. Opp. Shop No.S-19, Sarojini Nagar Market, New Delhi, in terms of section 3(3) of the street vendors {Protection of Livelihood and Regulation of Street Vending} Act 2014 and;

B. Direct the Respondents/Town Vending Committee to conduct the survey of the Petitioner within time bound manner and to issue certificate of vending in favour of the Petitioner as per the provisions of the Street Vendors { protection of livelihood and regulation of street vending} Act 2014.

2. Issue notice.

3. Mr. Abhinav Garg, learned Panel Counsel (Civil), GNCTD, accepts notice on behalf of the respondent Nos.1 and 3/GNCTD and Mr. Sri Harsha Peechara, learned Additional Standing Counsel, accepts notice on behalf of the respondent No.2/NDMC.

4. Learned counsel appearing on behalf of the petitioner, limits the relief in the present writ petition, in relation to the prayer clause (B) (extracted herein above), of the present writ petition; and to consider the petitioner's representation dated 09.05.2023, which is annexed as Annexure P-4, to the present writ petition, at the time the TVC carry out the subject survey, in accordance with law.

5. Accordingly, it is relevant to highlight that this Court, vide order dated 16.02.2023, issued certain directions to the New Delhi Municipal Council (NDMC) and GNCTD in W.P. (C) 12459/2022, titled as Bacchu Singh Paharia Vs. New Delhi Municipal Council & Anr.; which will extend to the present petitioner, as well, with equal force and vigour. The order dated 16.02.2023, passed in W.P. (C) 12459/2022, titled as Bacchu Singh Paharia Vs. New Delhi Municipal Council & Anr. is extracted herein below, in toto:

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

"It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:-

a) Direct the Respondent no. 1 and 2 allow the petitioner to operate at his given vending site i.e. Near Shop No.36, Sarojini Nagar Market New Delhi till the final decision taken by the Town Vending Committee after completion of Survey.

b) Issue a Writ, Order or Direction in the nature of Pass such other or further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Mr. Gautam Narayan, learned Additional Standing Counsel (Civil) appearing on behalf of the GNCTD states that the survey to be conducted by the duly constituted Town Vending Committee, shall commence forthwith, in accordance with the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street vending) Act 2014, as well as the Delhi Street Vendors (Protection of livelihood and regulation of street vending) Rules, 2017 and The Government of National Capital territory of Delhi Street Vendors (Protection of livelihood and regulation of street vending) Scheme, 2019.

Mr. Sri Harsha Peechara, learned Additional Standing Counsel appearing on behalf of NDMC states, that they shall render assistance, as may be required by the GNCTD, in this behalf.

Directed accordingly.

No further relief is prayed for.

With the above directions, the writ petition is disposed of accordingly. Pending applications also stand disposed of.

Copy of the order be given dasti to learned counsel appearing on behalf of the parties.

6. Having regard to the facts and circumstances antecedent and attendant in relation to the present writ petition and having heard learned counsel appearing on behalf of the parties; we dispose of the present writ petition, with a direction to the Town Vending Committee, to determine the petitioner's representation dated 09.05.2023, in accordance with law, at an appropriate stage.

7. No further relief is prayed for.

8. The writ petition is disposed of accordingly. The pending application also stands disposed of.

9. A copy of this judgment be uploaded on the website of this Court forthwith.