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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 01st April, 2025

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W.P.(C) 4043/2025

RAJNI

.....Petitioner

Through: Mr. Sanjay Baniwal and Ms. Manisha,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Mr. Tushar Sannu, Advocate for
MCD.

Ms. Manisha Agarwal Narain, CGSC
with Mr. Nipun Jain, Advocate for R-
2 & 3.

Mr. Abhinav Garg, Panel Counsel
with Ms. Palak Gupta, Advocates for
R-4.

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 by the Petitioner- Rajni under Article 226 of the Constitution of India *inter alia* seeking re-establishment of the vending unit of the Petitioner, demolished illegally by the Respondent on 30th July 2024.
3. The Petitioner is vending her wares at Sheetla Mata Market, Madangir (South Zone, Ward – S - 79). The case of the Petitioner is that he has been



vending for several years in this area, and there was an illegal demolition of the vending unit on 30th July 2024 without following the proper procedure and due process of law. Hence, the present writ petition has been filed, seeking the following reliefs:

“I. Pass an order for Re-Establishment of the Vending Unit/ Semi- Permanent structure of the petitioner at her fixed place/ location at "Sheetla Mata Market, Madangir" (South Zone, Ward - S - 79) which had been Demolished Illegally on 30.07.2024 by the Respondents without following the proper procedure/ due process of law as enumerated in law i.e., in terms of the Section 18 (3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014;

II. Pass an order directing the Respondents to rectify the Category of the Petitioner as Stationary Street Vendor in terms of the Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in the Certificate of Vending (COV) of the Petitioner;

III. Pass an order directing the Respondent No. 1 /MCD and Respondent No. 2 and 3 I Delhi Police to not to stop the Petitioner from carrying out the Vending activity from her fixed place/ location at "Sheetla Mata Market, Madangir" (South Zone, Ward - S - 79) which had been Demolished Illegally on 30.07.2024 by the Respondents without following the proper procedure/ due process of law as enumerated in law i.e., in terms of the Section 18 (3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 as an Interim Measure subject to the final outcome of the present Writ Petition. I

V. Pass any such directions or order that this Hon'ble court deems fit and proper in the facts and circumstances of the above mentioned case.”

4. According to the Petitioner, the demolition of his vending unit was contrary to law as the said demolition was without any intimation. Ld.



Counsel appearing on behalf of the Petitioner submits that the Petitioner should be permitted to re-establish the vending unit as their livelihood depends on the same.

5. One of the contentions of the Petitioner is that she has been paying property tax for the site granted to her at the vending unit, for which a receipt has also been placed on record.

6. Mr. Tushar Sannu, Id. Counsel appears for the Municipal Corporation of Delhi and submits that the Petitioner has a valid Vending Certificate (hereinafter, '*the Certificate*') dated 06th November, 2021, which has various conditions.

7. Mr. Sannu, Id. Counsel has shown the certificate issued to the Petitioner. As per the terms and conditions in the certificate, the Petitioner cannot block the footpaths or create any temporary or permanent structure at the vending unit. The relevant conditions are extracted from the said certificate which read:

"8. All reasonable efforts will be made by the street vendor to ensure that there is no obstruction to pedestrians and traffic. The seller will not sell any harmful, dangerous, and polluted items. It should also be ensured that the quality of products sold and services provided to the public conform to prescribed public health, hygienic conditions and safety standards.

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10. The street vendor will not do any unauthorized illegal activity.

11. The mobile vendor will not stay at any place in any hawking/vending zone for more than 30 minutes or the time prescribed by the TVC or do any selling work. The vendor will not stay in any non-vending zone or do any selling work.



12. Vendors will not block footpaths and will not do selling work on roads. Care should be taken to provide footpath on footpaths in front of wedding counters/stalls.

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14. The seller will not erect/construct any kind of permanent/temporary structure at the selling site.”

8. The Petitioner was required to clearly abide by the conditions contained in the certificate, and any violation thereof would be liable to be dealt with strictly in accordance with law.

9. Under these circumstances, the demolition would not be illegal as the Petitioner had set up a semi-permanent vending unit which was clearly in violation of the conditions in the said certificate.

10. The Petitioner shall be permitted only to continue to vend in terms of the certificate which has been granted to the Petitioner, and in complete compliance of the said conditions.

11. No further relief is liable to be granted in the present petition. So long as the Petitioner complies with the conditions of the certificate, the Petitioner shall not be disturbed.

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

**PRAITHIBA M. SINGH
JUDGE**

**RAJNEESH KUMAR GUPTA
JUDGE**

APRIL 1, 2025/MR/ck