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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 17th March, 2025

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W.P.(C) 3244/2025

PUSHPENDRA KUMAR & ORS.

.....Petitioners

Through: Mr. Manikaran Sharma, Mr. Garvit Sharma and Mr. Aniket Pawar, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Manu Chaturvedi, Standing Counsel for MCD/R-1.

Mr. Ankit Verma, SPC for UOI with Mr. Dipanshu Kumar and Mr. Arvind Mishra, Advocates for R-2 and R-3.

Ms. Avni Singh, Panel Counsel for GNCTD with Mr. Gourav Mundra, 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 under Article 226 of the Constitution of India by the Petitioners seeking, *inter alia*, issuance of an appropriate writ directing the Respondents to stop the eviction of the Petitioners from their vending sites. The prayers sought in this writ petition are as under :-

“I. Issue a Writ of Mandamus directing the MCD and Delhi Police to immediately stop harassment and eviction of the petitioners from their designated vending sites.



II. Issue a Writ of Certiorari quashing any illegal eviction orders or actions taken against the petitioners in violation of the Street Vendors Act, 2014.

III. Direct the respondents to re store the vending sites of the petitioners and allow them to carry out their business without illegal interference.

IV. Direct the respondents to take immediate action against the illegal encroachments made by shopkeepers at Ajmal Khan Road, Karol Bagh.

V. Direct the respondents to comply with the Supreme Court's orders and ensure that vendors are protected from arbitrary eviction.

VI. Grant any other relief as deemed fit in the interest of justice.”

3. The case of the Petitioners in brief is that they have a legal vending certificate to carry on their vending business in the Karol Bagh area. The Petitioners have their respective vending sites adjacent to Ajmal Khan Road, Karol Bagh, Delhi-110005. According to the Petitioners, on 07th January, 2025, officials of the P.S. Karol Bagh illegally seized the goods of the Petitioners. It is stated that no notice was given to the Petitioners in respect of the same. Hence this petition.

4. Heard ld. Counsel for the parties. It is observed that various vendors have repeatedly filed writ petitions in respect of conducting their business as *tehbazaari* holders in the Karol Bagh area. The Supreme Court, in 2000 in *W.P.(C) 323/2000* titled as *Pankaj Chopra & Ors. vs. Municipal Corporation of Delhi & Ors.* had clearly observed vide order dated 1st



December, 2000 as under :-

“The grievance of the applicants is that in Karol Bagh Zone there are several unauthorised and ineligible persons allowed to squat in the area where the applicants are entitled to do their business. Mr. Shiv Kumar, learned counsel for the MCD submits that a direction may be issued to remove the ineligible and unauthorised persons from this area. We direct accordingly.

Identity Cards

The MCD is, hereby, directed to give laminated identity cards to all the squatters when final allotment is made. The identity cards must be displayed on the person or where the vend takes place. In areas where final allotment is made according to seniority fixed by the MCD, pursuant to the orders of the Chopra Committee, it will be obligatory for those to continue business of hawking to carry on the identity cards on their person or at the place where they are vending and in case of demand the identity card is not shown, it will be open to the MCD officials or the police to evict them. But this order will come in force once final allotment has been made and identity cards issued. The identity cards should be issued after taking photograph and reasonable fees from the vendors. A scheme will be prepared for providing identity cards. An advertisement to this effect will be made in the area calling upon the various hawkers within a particular period to come to the concerned office in the zone and receive their identity cards.

If this Court comes to the conclusion that in future if any unauthorised ineligible person is allowed to vend in these areas the concerned Deputy Commissioner of the Karol Bagh MCD Zone and the Deputy Commissioner of Police of the concerned District will be held responsible.

A copy of this order will be communicated to Deputy Commissioner of MCD and all Deputy Commissioners



of Police of various Districts in Delhi

The writ petition and the contempt petition are disposed of.”

5. The said order has been considered by a Co-ordinate Bench of this Court in ***W.P.(C) 17612/2024*** titled as ***Pankaj Chopra v. Municipal Corporation of Delhi & Ors.*** as well. A detailed order has been passed on 20th January, 2025 in respect of similar facts as in the present petition. *Vide* the said order detailed directions have been issued in respect of conducting street vending in Karol Bagh. It needs no reiteration that except at specifically approved vending sites, no vending can be conducted. The order dated 20th January, 2025 is also clear in this regard. The directions given in the said order are set out below :

“10. It is submitted that from Ajmal Khan Road, Karol Bagh, New Delhi area to the Karol Bagh Metro Station area, only four locations have been authorized for vending, namely: (i) the wall of the police station, (ii) the wall of Arya Samaj Mandir, (iii) behind St. Thomas School on Ajmal Khan Road, and (iv) the market on Ajmal Khan Road. It is also submitted that, as mentioned in paragraphs no. 5 and 6 of the status report, the Assistant Commissioner, Karol Bagh Zone, Municipal Corporation of Delhi has provided specific dates on which actions were taken to remove unauthorized vendors. However, it is submitted that despite the aforesaid contention made in the status report, unauthorized vending/hawking is still going on.

14. At the outset, regarding the prayer (a) of the petitioner, i.e., seeking permission to carry on business at the allotted TehBazaari site, it is submitted by the petitioner that the said site has



been already declared a novending/hawking zone and therefore, he is not pressing prayer (a). Accordingly, this Court is of the considered view that no such directions are required in this regard. Considering the above observations, prayer (a) of the writ petition is, hereby, rejected as not pressed.

15. Regarding prayer (b) of the instant petition, the main grievance of the petitioner is qua the unauthorized activities and encroachment of public areas in the Ajmal Khan Road, Karol Bagh, New Delhi.

16. This Court has perused the material placed on the record and it is observed that the said area has already been declared as a no hawking and no vending zone. Despite the same, the unauthorized hawking/vending is continuing rampantly as is apparent from the photographs placed by the petitioner on record.

17. Record further reveals that the Hon'ble Supreme Court as well as this Court has passed various orders time and again, wherein, the Courts have passed directions to the respondent department herein to remove unauthorized activities and encroachments by the unauthorized hawkers/vendors in the aforesaid area. There is no doubt that the respondent department has not complied with the directions issued to it on various occasions where the department's officers' personal responsibility has been fixed.

18. At this juncture, the Assistant Commissioner and the concerned SHO, Karol Bagh, who are present before this Court, upon being queried, submitted that they have initiated appropriate actions to remove unauthorized vendors/hawkers



from the declared non-vending sites in the Ajmal Khan Road and Karol Bagh area. They are giving their undertaking to fix CCTV cameras at the concerned site and notice boards, thereby, notifying the vending/no-vending zones in the aforesaid area. It has also been undertaken that an MCD personnel along with the beat officer of the area concerned will be deployed from 10:00 AM to 8:00 PM to ensure the continuous enforcement of the Court's directions and prevent unauthorized vending/hawking and encroachment in the aforesaid area.

19. It has been further undertaken that if unauthorized vending/hawking is found at the said site again, the aforesaid designated officers from the MCD and the police shall be held personally accountable, and departmental action will be initiated against them.

20. At this stage, learned senior counsel appearing on behalf of the petitioner, on instructions, submitted that he has no objection to the undertaking given by the aforesaid officers, and the instant petition may be disposed of in view of the same.

21. After hearing the learned counsel for the parties and considering the statements made by the SHO and the Assistant Commissioner, who are present before this Court, and have given their respective undertakings, this Court finds no reason to disbelieve the said undertaking.

22. In view of the aforesaid discussions of facts, undertaking given by the learned counsel for the respondent-department and the no objection given by the learned senior counsel appearing on behalf



of the petitioner, following directions are passed by this Court:

a. The SHO, Karol Bagh and the Assistant Commissioner, Karol Bagh Zone, Municipal Corporation of Delhi, are directed to fix CCTV cameras and notice boards, thereby, notifying the vending/no vending zones in the area extending from Ajmal Khan Road to Karol Bagh Metro Station.

b. The SHO concerned and the Assistant Commissioner, Karol Bagh Zone, Municipal Corporation of Delhi are directed to deploy one beat officer and one MCD personnel respectively from 10:00 AM to 8:00 PM daily in the aforesaid area who will be responsible for ensuring that no unauthorized hawking/vending is carried out on the sites that have already been declared as no-vending/hawking zones.

c. Additionally, the aforesaid officers are directed to ensure strict compliance of the undertaking given by them before this Court failing which they shall be held personally liable and appropriate departmental proceedings shall be initiated against them.

23. In view of the aforesaid terms, the instant writ petition stand disposed of along with the pending applications, if any.”

6. In terms of the above, it is clear that the concerned Police officials and the Municipal Corporation of Delhi have to take action to ensure that no unauthorized hawking or vending is carried out in the Karol Bagh area, which are declared as no vending or hawking zones.



2025:DHC:1747-DB



7. Considering the above, the present petition, in the opinion of this Court, would not be maintainable.
8. Let the status report be filed by the Delhi Police as also the MCD as to what is the action taken in accordance with the order dated 20th January, 2025 passed in *W.P. (C) 17612/2024* along with current photographs taken during the day time on working days.
9. List on 04th April, 2025.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 17, 2025*/nd/msh*