



\$~71

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

Date of Decision: 18th March, 2025

+ **W.P.(C) 3293/2025, CM APPL. 15561/2025 &
CM APPL. 15562/2025**

SUBODH KUMAR GUPTA & ORS.Petitioners

Through: Ms. Aastha Dhawan, Advocate (Mob. 9711436642).

versus

TOWN VENDING COMMITTEE, NDMC & ANR.Respondents

Through: Mr. Sriharsha Peechara Standing Counsel with Mr. D.S. Bhanu, Advocate for NDMC (Mob. 9717466788).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J.(ORAL)

1. This hearing has been done through hybrid mode.
2. This is a petition filed by five Petitioners who are street vendors, under Article 226 of the Constitution of India, *inter alia* seeking a direction against the Respondents to include the Petitioners in the survey of vendors and grant a certificate of vending in Palika Bazar, Connaught Place, New Delhi upon taking into consideration their seniority.
3. The brief background is that the Petitioners claim that they have been vending their goods at Gate Nos. 2, 3 and 4 of Palika Bazar, Connaught Place, New Delhi for more than 30 years. The said place was declared as a non-vending site in 2017, and the Petitioners were removed from the said site.
4. The Supreme Court in its decision dated 01st May, 2012 in *W.P.(C)*



1699/1987 titled as “**Gainda Ram &Ors v. Municipal Corporation of Delhi &Ors**” had directed the New Delhi Municipal Council (‘**NDMC**’), *i.e.*, the Respondent No.2, to conduct a draw of lots amongst the street vendors for allocation of *Tehbazari* space. Thereafter, pursuant to the said decision, a list of 628 eligible street vendors was prepared by the NDMC.

5. It is the case of the Petitioners that their names have specifically appeared in the said list as serial nos. 263, 242, 262, 267 and 246 respectively. The said chart is set out below:

<i>S. no.</i>	<i>Name</i>	<i>Vending site</i>	<i>No. in 628 list</i>
1.	<i>Subodh Kumar Gupta</i>	<i>Gate no.4, Palika Bazar</i>	263
2.	<i>Chokhe Lal</i>	<i>Gate no.4, Palika Bazar</i>	246
3.	<i>Raj Kumar</i>	<i>Gate no.4, Palika Bazar</i>	242
4.	<i>Rambir Singh Rajpoot</i>	<i>Gate no.2 and 3 Palika Bazar</i>	267
5.	<i>Kusheshwar</i>	<i>Gate no.3 Palika Bazar</i>	262

6. Once they were removed from the squatting site in 2017, they had filed a writ petition, being **W.P (C) 5246/2017**, seeking restoration of the original vending site at Palika Bazar. The same was disposed of *vide* order dated 10th July, 2017 in which the NDMC had undertaken to provide an alternative vending site within 2 weeks. Upon the same being provided at Laxmi Bai Nagar, the Petitioners, at that stage, were not interested in taking a site at the said location.

7. The Petitioners then filed a writ petition, being **W.P (C) 8689/2017**, and sought restoration of *status quo ante* for permission to continue vending at Palika Bazar. However, this writ petition was dismissed by this Court *vide*



order dated 26th September, 2017. A review petition was also preferred against the said order of dismissal which was also subsequently rejected.

8. The present petition has now been filed on the ground that a survey has commenced in the Connaught Place area by the NDMC. The petition prays that the Petitioners ought to be permitted to participate in the said survey for proper identification, *etc.*, It is also prayed that the alternative vending site at Laxmi Bai Nagar be given to the Petitioners as a temporary measure till the Town Vending Committee ('TVC') takes a policy decision on the allotment of space to these 628 vendors. The prayers sought in this petition are set out below:

“a. Issue an appropriate writ, order, or direction to the Respondents to immediately complete the survey in the North NDMC area, including non-vending zones, and to ensure that the Petitioners are included in the survey and granted a Certificate of Vending in Connaught Place or a suitable alternative location after taking into consideration their seniority and prior recognition;

b. Issue an appropriate writ, order, or direction to the Respondents to immediately hand over the physical possession of the vending site allotted at Laxmi Bai Nagar to the Petitioner on a temporary basis until a permanent squatting site is allotted by Permanent TVC as per the Street Vendors Act, 2014 and the Scheme framed therein;”

9. Today, Ms. Aastha Dhawan, Id. Counsel for the Petitioners submits that the Petitioners cannot be deprived of both reliefs *i.e.*, (i) participation in the survey and (ii) the alternative spot at Laxmi Bai Nagar. Since their challenge has failed, the Petitioners are willing to take the spot at Laxmi Bai Nagar as a temporary site till the final decision is taken by the TVC.

10. Ms. Aastha fairly admits that the Petitioners had in fact refused to take up the spot in Laxmi Bai Nagar and had filed the writ petitions and



representations in this regard. However, she submits that these actions were taken based on misguided legal advice and respectfully prays that they not be held against the Petitioner vendors.

11. She also submits that the Petitioners have been vending in the said site for more than 30 years. She relies on the Petitioner's respective entries in the list of 628 eligible street vendors in this regard. On these grounds, she contends that the Respondents ought to consider the Petitioner's seniority while assessing their survey application for allotment.

12. On the other hand, Id. Counsel appearing for the NDMC/Respondent No.2 submits that they have failed in their challenge and cannot now try to re-agitate their prayer for the allotment of a spot at Laxmi Bai Nagar site.

13. The Court has heard both the parties. In spite of their previous actions, the Petitioners in the representation dated 30th January, 2025, have prayed yet again that they be given an appropriate vending spot at Connaught Place site based on their seniority, and in the meantime, a spot at Laxmi Bai Nagar site may also be allotted. The prayer in the representation is set out below:

“It is therefore most humbly requested that the name of undersigned be included in the survey being conducted by the NDMC and be given a Certificate of vending for an appropriate vending site in or around Connaught Place area, after taking into consideration his seniority (being in the 628 list) and years of vending from Palika bazar area. Documents showing my presence from the site at Palika Bazar and other relevant documents are enclosed for your kind consideration. It is also prayed in the meantime that the undersigned be permitted to vend from his site offered to him at Laxmi Bai Nagar, physical possession of which be handed over at the earliest to enable him to earn his livelihood and sustain himself and his family.”

14. It is not in dispute that, pursuant to the Street Vending Scheme, 2019,



the survey has been initiated by the Respondents in the NDMC area, including in Connaught Place. Considering the position that the Petitioners are listed in the list of 628 recognised vendors, the Petitioners shall be permitted to participate in the survey with due consideration to their seniority as per the list of recognised vendors.

15. Further the Court is inclined not to hold the fact that the Petitioners have challenged the movement to Laxmi Bai Nagar against them. It is a question of livelihood for the vendors and their families. The challenge having failed, the vendors cannot be deprived even of the alternative site. Accordingly, let the representation of the Petitioners be considered by TVC and the spot at Laxmi Bai Nagar site be temporarily allotted to the Petitioners within a period of one month.

16. However, it is clarified that the acceptance of the temporary vending spot at Laxmi Bai Nagar site shall be without prejudice to the rights and contentions of the Petitioners who would be considered for allotment of a vending site in terms of their seniority in the list of recognised 628 vendors, once the survey etc., is complete, in terms of the Street Vendors Act, 2014 and the Scheme framed therein.

17. This writ petition is disposed of in the above terms. All the pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 18, 2025/MR/Ar.