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

Date of Decision: 22nd April, 2025

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W.P.(C) 5008/2025

RAMDEV YADAV AND ANR

.....Petitioners

Through: Mr. Narendra Kumar Sahoo,
Advocate.

versus

NEW-DELHI MUNICIPAL COUNCIL AND ORSRespondents

Through: Mr. Akshat Kulshrestha, Mr. DS
Bhanu and Mr. Akhilesh Loya,
Advocates for Mr. Sriharsha
Peechara, Standing Counsel for R-
NDMC.

Ms. Anusuya Choudhary, SSC for
R/UOI.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 23042/2025 (for exemption)

2. Allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 5008/2025

3. The present petition has been filed by the Petitioners-Sh. Ramdev Yadav and Sh. Kamlesh Kumar under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ permitting the Petitioners to squat and vend at their place of squatting *i.e.* Shop No. 25,



Sarojini Nagar Market, New Delhi-110023.

4. The Petitioners claim that they were separately squatting in front of Roop Sari Show Room of Shop No. 25, Sarojini Nagar Market, New Delhi-110023 for the last 20-25 years.

5. The filing of multiple writ petitions appears to have caused considerable confusion in this matter. Chronologically the facts of the present case are that one Sh. Angad Singh had filed **W.P.(C) 4806/2024** titled '**Angad Singh vs. New Delhi Municipal Council (NDMC) & Anr.**' wherein *vide* order dated 26th April, 2024 the following order was passed:

"1. The petitioner has filed the present petition, inter alia, praying as under:

"a). Direct The Respondents to allow the petitioner for vending at his current vending site to protect the livelihood of petitioner as the petitioner is a daily bread earner of his family and also found in the list of 628 at serial no. 400.

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

2. Learned counsel appearing for the respondent (NDMC) does not dispute that the petitioner's name features in the list of 628 street vendors that was prepared in the year 2012. However, he also states that the petitioner was found vending at the site near Shop No. 25, Sarojini Nagar Market, New Delhi. He further submits that, at the temporary stage, the petitioner can continue to vend at the site near Shop No. 25, Sarojini Nagar Market, New Delhi. Learned counsel appearing for the petitioner states that the same would redress his grievance.

3. In view of the above, the present petition is disposed of by directing that the petitioner shall not be interdicted from carrying on vending activities at the site near Shop No. 25, Sarojini Nagar Market, New Delhi, subject to the petitioner carrying on the vending activities in accordance with law



(including by occupying an area not more than 6' X 4' and open to the sky).

4. *We clarify that this arrangement would only continue till the survey is completed and a vending plan is prepared.*”

6. According to the Petitioner, the said Sh. Angad Singh was squatting near Delhi Public Library and not in front of Shop No. 25, Sarojini Nagar Market, New Delhi-110023.

7. The case of the Petitioner is that sometime in November, 2024, with the help of the local police and on the strength of the order dated 26th April, 2024, the Petitioners were removed and Sh. Angad Singh was placed at their site in front of Shop No. 25 Sarojini Nagar Market, New Delhi.

8. The Petitioners aggrieved by their removal, filed ***W.P.(C) 16996/2024*** titled ***'Ramdev Yadav and Anr. v . New Delhi Municipal Council and Ors.'*** wherein *vide* order dated 09th December, 2024, the Court directed as under:

“1. This writ petition has been preferred seeking the following reliefs:

“(a) To call for the copy of Writ Petition (Civil) No 4806/2024, 5408/2011& No 8131/2013 ;

(b)To issue a writ of mandamus or any appropriate writ or direction or order directing the respondents to maintain status quo ante for the place of squatting opposite /In front of Shop No 25 , Sarojini Nagar Market , Sarojini Nagar, New-Delhi-23 as on 07.11.2024 ;

(c) And to pass such other and further order or orders as this Hon'ble court deem fit and proper in the interest of Justice.”

2. *We take note of the principal grievance which is directed against one Angad Singh, who is stated to have removed the petitioner from the place where he was carrying on his vending activities.*

3. *We, however, note that Angad Singh had approached this Court in **Angad Singh vs. New Delhi Municipal Council & Anr.** [W.P.(C) 4806/2024 dated 26 April 2024] and where the*



following directions came to be issued:

“3. In view of the above, the present petition is disposed of by directing that the petitioner shall not be interdicted from carrying on vending activities at the site near Shop No. 25, Sarojini Nagar Market, New Delhi, subject to the petitioner carrying on the vending activities in accordance with law (including by occupying an area not more than 6” X 4” and open to the sky).

4. We clarify that this arrangement would only continue till the survey is completed and a vending plan is prepared.”

4. In view of the aforesaid and till such time as that order stands, it would not be possible for this Court to consider granting the reliefs which are prayed for.

5. Accordingly, while we dismiss this writ petition, **we accord liberty to the writ petitioners to seek appropriate remedies in case they seek to question the direction in paragraph no. 3 as contained in our order of 26 April 2024.**”

9. Since the Court had given permission to the Petitioners to avail their remedies, the Petitioners then filed a review petition in the case of **Angad Singh (Supra)** being **Rev. Pet. 7/2024**. In the said review petition again, the Petitioners were unsuccessful but the Court in the order dated 21st February, 2025 recorded as under:

“2. The applicants submit that they are the street vendors and are carrying on their vending activities in front of shop no.25, Sarojini Nagar Market, New Delhi. They are aggrieved by the order dated 26.04.2024 passed in the above-captioned petition to the extent it directed that the petitioner would not be interdicted from carrying on his vending activities from a site near shop no.25, Sarojini Nagar Market, New Delhi subject to the petitioner carrying on the vending activities in accordance with law (including by occupying an area not more than 6’x4’ and open to sky). This court had also clarified that this arrangement would continue till the survey is completed and a vending plan is



prepared in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter the Act).

3. The learned counsel appearing for the applicants contends that the petitioner in the above-captioned petition had produced documents, which were fabricated to reflect that he has been carrying on his vending activities at the given site. The applicants claim that they were carrying on their vending activities from the site in question and not the petitioner.

4. We are unable to accept the said contention. Admittedly, the applicants have not been granted the tehbazari license and their names also do not find mention in the list of 628 street vendors who were found eligible for allocation of tehbazari sites in the year 2012.

5. In any event, we are unable to accept that the applicants were carrying on their vending activities from the site in question, namely, shop no.25, Sarojini Nagar, New Delhi on 01.05.2014 being the date on which the Act came into force.

6. The contention that the address mentioned in the memo of parties (Near Delhi Public Library) indicates that the petitioner's place of vending was not in the vicinity of shop no.25, Sarojini Nagar, New Delhi is also not persuasive. We have examined the map of the area, which indicates that the Delhi Public Library is in the vicinity of shop no.25, Sarojini Nagar, New Delhi.

7. In view of the above, we find no merit in the present application to review the order 26.04.2024. The same is, accordingly, dismissed.”

10. Mr. Narendra Kumar Sahoo, Id. Counsel for the Petitioners, now submits that in view of clarification in paragraph 6 of the order dated 21st February 2025, the Petitioners ought to be reinstated in the site in front of Shop no. 25, Sarojini Nagar, New Delhi-110023. However, the Petitioners have chosen not to implead Sh. Angad Singh in this petition.

11. The question as to whether who are the eligible squatters to squat and



vend in front of Shop no. 25 and whether Sh. Angad Singh had placed the full facts before the Court or not, would be a factual dispute which cannot be decided in a writ petition.

12. The New Delhi Municipal Council (hereinafter, 'NDMC') being the authority in the concerned area would have to call all the three parties *i.e.* the Petitioners and Sh. Angad Singh and verify their credentials properly and fix the site as to where they can vend.

13. This Court in a writ petition would not be able to examine these documents and the geographical location of the sites in questions.

14. Accordingly, in order to avoid any further confusion in this matter, the following directions are issued:

- a. The Town Vending Committee (hereinafter, 'TVC') shall call the Petitioners and Sh. Angad Singh along with all the requisite documents to ascertain as to whether they were vending and if so, at what location.
- b. After verifying the documents and credentials of all the three vendors, the TVC shall fix the site where they would be permitted to vend, so long as the same is not within the non-vending zone.
- c. On the basis of the conclusion which would be arrived at by the TVC, the Petitioners and Sh. Angad Singh shall be permitted to participate in the survey, if any, carried out by the TVC.

15. Registry is directed to communicate the copy of this order to the Petitioners and Sh. Angad Singh *i.e.* Petitioner in **W.P.(C) 4806/2024** as also through Id. Counsel Mr. Satish Kumar Tripathi, who represented Sh. Angad Singh in the said writ petition.



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16. The TVC, through its officer Mr. Krishan Kumar, shall hold a meeting with the Petitioners and Sh. Angad Singh on 07th May, 2025 at 3:00 P.M. at the following address:

Director Enforcement, South
at Pragati Bhawan,
Jai Singh Road, New Delhi

17. In the above terms, the petition stands disposed of. Pending applications, if any, stands disposed of.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

APRIL 22, 2025

v/ck