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

Date of decision: 27th October, 2026

Uploaded on: 29th October, 2026

\# **CNR No. DLHC010511492026**

\+ **W.P.(C) 15707/2026**

MEENA KUMARI ALIAS MEENA DEVI .....Petitioner

Through: Mr. Satish Kumar Tripathi, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. .....Respondents

Through: Mr. Aditya Bharat Manubarwala & Ms. Tanishka Grover, Advs. for NDMC.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner-Ms. Meena Kumar alias Ms. Meena Devi under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to accommodate the Petitioner near the open space in front of Rivoli Cinema or Janpath Market, New Delhi.

3. The case of the Petitioner is that she is a street vendor, whose name is at serial No. 597 in the list of 628 persons, who were considered as existing vendors, as per ***Gainda Ram & Ors. v. MCD & Ors. (2010) 10 SCC 715***.

4. The grievance of the Petitioner is that she was vending near Regal Building, opposite Khadi Gram Udyog, Connaught Place, New Delhi. However, Connaught Place is declared as a No-vending zone. Hence, the Petitioner ought to be awarded an alternate site.

5. The further case of the Petitioner is that in terms of paragraph 6.3.4 of

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the *GNCTD Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019 (hereinafter, the scheme, 2019)*, the Petitioner ought to have been given an alternate site, in the nearest available area. However, the Petitioner has been allotted a site in Laxmi Bai Nagar, which is 8 to 10 kms away from her present vending zone.

6. According to ld. Counsel for the Petitioner, her source of livelihood has been taken away. The prayer, therefore, is for allotment of a nearby alternate site, either in front of Rivoli cinema or near Janpath market.

7. Initially, the Petitioner had filed a writ petition being ***W.P.(C) 10993/2022*** titled ***'Meena Devi v. The Chairman NDMC & Ors.'***, wherein, *vide* order dated 19th January, 2024 it had been directed as under:

> *"...7. We have heard the counsel for the parties.*
>
> *8. Admittedly, the vending sites fall in the area of Rajiv Chowk and Indira Chowk. The only question to be addressed is whether the said areas are required to be treated as no vending zones by virtue of the 2007 Scheme.*
>
> *9. It is material to note that NDMC had included the said areas as no vending areas under Clause 4.2 of the 2007 Scheme.*
>
> *10. There is no dispute that the street vendors had made a representation to the TVC, which was considered at a meeting of the TVC held on 04.02.2009. The minutes of the said meeting indicate that the TVC had, inter alia, decided as under:*
>
> > *"15. Finally, after deliberations it was decided that Rajiv Chowk and Indira Chowk should be declared as vending areas subject to the approval of the Hon'ble Supreme Court. The areas around Chanakyapuri Foreign*

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> *Mission and area near DMRC stations shall remain the non vending areas."*

11. It is apparent from the above that the decision was subject to the approval of the Supreme Court. This Court is informed that affidavits/applications were also filed before the Supreme Court. However, the Supreme Court did not pass any order approving the said decision of the TVC. According to the learned counsel for the petitioners, all decisions made by the TVC were approved in view of the expressed directions issued by the Supreme Court in paragraph 76 of the judgment in ***Gainda Ram and Ors. v. Municipal Corporation of Delhi and Ors. (supra).*** *However, we are unable to accept the said contention.*

12. The Supreme Court had taken note of an affidavit filed on behalf of NDMC in Writ Petition (being W.P.(C) 1699/1987), wherein the details of the dispute redressal mechanisms were set out. The Supreme Court has reproduced the said dispute redressal mechanism in paragraph 74 of the said decision. It is noted that there would be a three-tier system. The Supreme Court had further noted that in paragraph 12 of the said affidavit, it was affirmed that there would be an appellate authority, which would attend to the redressal of the grievances of squatters, hawkers, traders, residents and other persons by hearing appeals against the decision of a vending committee. After taking note of the same, the Supreme Court had directed that NDMC would comply with the orders which may be passed by the adjudicatory mechanism as contemplated in the Scheme. Paragraph 75 and 76 of the decision in ***Gainda Ram and Ors. v. Municipal Corporation of Delhi and Ors. (supra)*** *are reproduced below:*

> *"75. In Para 12 of the affidavit it has been stated that there shall be an appellate*

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authority which shall attend to the redressal of grievances of squatters, hawkers, traders, residents or any other person by hearing appeals against the decision of the Vending Committee (Main). Para 12 of that affidavit is set out below:

"There shall be an appellate authority. On the forwarding of petitions received by the Chairperson, this authority shall attend to redressal of grievances of squatters, hawkers, traders, residents or any other person. The authority shall also hear appeals against the decision of the Vending Committee (Main). Decisions of this authority unless challenged before a higher forum or in any competent court, shall be final. This authority shall be initially headed by a person appointed by the Chairperson having at least 10 years' legal or judicial background. There can be more than one member in this authority."

76. In the said affidavit, which was affirmed before this Court on 24-8-2010 it has been stated that NDMC shall comply with the orders which would be passed by the adjudicatory mechanism contemplated in the scheme and which has been approved by this Court for NDMC area, unless such orders are made the subject-matter of challenge before a higher forum or in any other competent court."

13. In view of the above, the contention that the decision of the erstwhile TVC was required to be implemented, is erroneous. The said decision was subject to the orders passed by the Supreme Court. However, the said matter was not discussed. The said decision was not a product of any adjudicatory mechanism as referred to by the Supreme Court.

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14. The issue whether the directions regarding no vending zones was required to be implemented pending finalisation of a vending plan under Section 21 of the Act is covered by the decision of a Coordinate Bench of this Court in ***Vyapari Kalyan Manda[Main Pushpa and Anr. v. South Delhi Municipal Corporation and Ors.*** *(supra). Paragraph 47 and 48 of the said decision are set out below:*

> *"47. As per the Act, the declaration of no-vending zone is to be carried out by the Plan for Street Vending to be prepared by the local authority in consultation with the Town Vending Committee [Section 21 read with the First Schedule]. At the same time, Clause 3(e) of the First Schedule provides that till the completion of survey and formulation of the plan, no zone shall be declared as a no-vending zone. This clause merely prohibits any further declaration of no-vending zones and does not nullify the existing demarcation by the municipal authorities. On the contrary, it tacitly recognises that certain areas might have already been declared as no-vending zones.*
>
> *48. Accordingly, we also subscribe to the view taken by the coordinate bench of this Court Hawkers Adhikar Suraksha Samiti (Supra) in its order dated 05.10.2016 that as an interim measure, the non-squatting zones declared under the old schemes shall continue to be non-squatting zones for the time being. Hence, the protection of Section 3 (3) shall not extend to vendors in no-vending zones."*

15. It is apparent from the above that till a vending plan, which demarcates a no vending zone, is framed, the existing declaration regarding non squatting zone would continue to be operative.

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> ***16. In view of the above, the relief as sought for by the petitioners cannot be granted.***
>
> ***17. Having stated the above, we also note the respondents' contention that the TVC would conduct a survey shortly and all street vendors, irrespective of whether they are vending at a given site or not, would be entitled to participate in the survey by furnishing material and evidence in support of their claim of carrying on street vending activities. Needless to state that the TVC shall duly consider the same****."*

8. A perusal of the above order would show that the Petitioner was held to be entitled to participate in the survey which was to be conducted by the New Delhi Municipal Council *(hereinafter, 'NDMC')*, and her case was to be considered by the Town Vending Committee.

9. Thereafter, another writ petition was filed by the Petitioner being ***W.P.(C) 7158/2024*** titled ***'Meena Devi v. The Chairman NDMC and Anr.'*** in which, the Court, *vide* order dated 28th May, 2024 has observed as under:

> *"1. Issue notice.*
>
> *2. The learned counsel appearing for the respondents accepts notice.*
>
> *3. The petitioner is a street vendor and claims that she was carrying on the vending activities at the site located near Regal Building (in front of Khadi Gram Udyog), Connaught Place, New Delhi. The petitioner's name also features in the list of 628 street vendors that was prepared in the year 2012.*
> *4. The petitioner is aggrieved that she has not been permitted to vend at the given site as the same has been declared as a No Vending Zone.*

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> *5. The learned counsel appearing for the petitioner submits that in view of the above, the petitioner may be permitted to vend at another site. It is submitted that other bonafide street vendors have also been offered alternative places for carrying on their vending activities. The learned counsel appearing for the respondents submits that the respondents will consider the petitioner's case and offer an alternative area to the petitioner to carry on her vending activities.*
>
> ***6. In view of the above, the present petition is disposed of by directing the respondents to consider the petitioner's case and communicate the alternative site/area as expeditiously as possible, preferably within a period of four weeks from date.***
>
> *7. Pending application is also disposed of."*

10. As can be seen from the above order, it is clear that the NDMC was directed to consider the Petitioner's case and communicate the allotment of alternative site to the Petitioner, within a period of four weeks.

11. In view of the order dated 28th May, 2025, the Petitioner made a representation dated 5th June, 2024 to the NDMC, in which she sought a site near Rivoli Cinema or at Janpath market.

12. The said representation was decided by a speaking order dated 18th December, 2024 by the NDMC.

13. The stand taken by the NDMC was that the allotment of alternate vending site was to be considered by the TVC, after it is constituted, and as a temporary basis, the site at Laxmi Bai Nagar was offered. The relevant portion of the speaking order dated 18th December, 2024 is set out below:

> *"...7. That as per the above stated facts, contentions and circumstances, the grievance of the applicant for*

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allotment of alternate vending site will be considered by the Competent TVC in accordance with the provisions of Street Vendor Act, 2014, Street Vending Rules 2017 and the Street Vending Scheme 2019 only after completion of the survey of the street vendors as stipulated in section 3 of the street Vendors Act. 2014.

8. ***Till survey process is completed and for compliance of the order of Hon'ble High Court of Delhi dt. 28.05.2024 you are hereby offered a temporary arrangement at Laxmi Bai Nagar Vendor Market, New Delhi purely on temporary basis and subject to final decision of Town Vending Committee on the following terms and conditions:***

i. This is an interim and purely temporary arrangement and will not confirm any right on the site or otherwise etc.
ii. You will not induct anyone else at the squatting site and shall not deal in any licensable articles.
iii. You will not leave the goods at night.
iv. The permission is only from sunrise to sunset.
v. Subletting in any manner is not permitted
vi. The permission holder shall remain within the allotted area.
vii. Squatting on any other site shall be treated as encroachment and violation of the permission.
vii. The permission is purely temporary and can be revoked at any time without any alternative allotment.
ix. Any violation in above conditions of squatting will lead to cancellation/termination of the temporary permission
x. The said permission subject to final decision of Town Vending Committee"

14. Pursuant thereto, the Petitioner had also filed a contempt case being ***Cont.Cas.(C) No. 1027/2024*** titled ***'Meena Devi v. Mr. Naresh Kumar and***

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Anr.', wherein, *vide* order dated 28th April, 2025, the Court had directed as under:

> *"1. Status report dated 9th April 2025 filed by the New Delhi Municipal Council ('**NDMC**') is on record. Speaking order dated 18th December 2024, offering an alternative site at Laxmi Bai Nagar, Vendor Market, New Delhi, has already been passed.*
>
> *2. Counsel for the petitioner is aggrieved since the said order was not communicated to him, though the speaking order had been addressed to the petitioner at her address.*
>
> *3. **Accordingly, this petition is disposed of with liberty to petitioner, if she is further aggrieved, to approach the appropriate Court for seeking remedies under law; since she states that she ought to have been given a different alternative site.***
>
> *4. The petition stands disposed of in above terms.*
>
> *5. Order be uploaded on the website of this Court."*

15. However, the Petitioner continues to have grievances that she has not been allotted a vending site in terms of Clauses 6.3.3 and 6.3.4 of the Scheme, 2019.

16. Ld. counsel for the Petitioner submits that allotting an alternate site at such a far distance would be contrary to the spirit of the order passed by this Court, as also the spirit of the Scheme, 2019.

17. On the other hand, ld. Counsel for the NDMC submits that this is purely an interim arrangement, in view of the fact that the areas where the Petitioner was vending have been declared as No-vending zones.

18. Further, ld. Counsel for the Petitioner submits that, in similar matters,

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Mohan Singh Place has also been allotted as an alternate site.

19. The Court has heard the ld. Counsels for the parties. Paragraphs 6.3.3 and 6.3.4 of the Scheme, 2019 reads as under:

> *"(6.3.3)* ***To the extent possible****, the affected street vendor may be adjusted in same or nearby vending zone and also under the same type of vending as specified in COV* ***subject to availability of vending space at the alternate site****.*
>
> *(6.3.4) For relocation from the place specified in the COV, the TVC shall issue written intimations to the affected vendor by Speed/ Registered Post to the Vendor's Correspondence Address, before the 15th and 30th day after the decision is made, providing at least* ***three alternative sites in the same or nearest available vending zone****. If three alternate locations under the same type of vending as specified in the COV are not available, the affected street vendor may be given the choice of other categories of street vending. Should more than one vendor choose the same relocation site, the site shall be awarded by draw of lots and second alternative site to be allotted to other vendor who does not get the chosen site as provided under sub-section (3) of section 4 of the Act."*

The above clauses of the Scheme are relied upon by the ld. Counsel for the Petitioners to argue that at least three alternate sites ought to have been given and the same ought to be near the vending site of the Petitioner.

20. Insofar as the NDMC area is concerned, this Court takes judicial notice of the fact that surveys in all these areas are already completed and the vending plan has also been finalised, only the last leg of surveying certain *tehbazari* holders is presently underway.

21. The Petitioner's candidature would also fall within the *tehbazari* vendors.

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22. The speaking order dated 18th December, 2024, which has been passed by the NDMC is merely an interim order. Once the survey of the *tehbazari* holders is completed, the same is to be submitted by the NDMC to the GNCTD for finalisation of the vending plan. The entire process is being supervised by this Court in various matters.

23. In a city like Delhi, nearby vending zones or nearest available vending zone has to be interpreted on the basis of the availability of vending spaces and the number of vendors who can be accommodated in such spaces. Under such circumstances, the allotment of alternate site at Laxmi Bai Nagar cannot be stated to be contrary to the Scheme, 2019.

24. Thus, the Petitioner is free to obtain the alternate vending site at Laxmi Bai Nagar and continue her vending activities, as an interim measure.

25. The Petitioner shall be surveyed by the NDMC. Once the TVC is constituted, the case of the Petitioner shall be considered in accordance with law on an expeditious basis and a final site shall be allotted to the Petitioner, if she is found eligible.

26. The TVC-II shall bear in mind the above stated provisions as also the provisions in Schedule II of the Scheme, 2019, while making an allotment to the Petitioner.

27. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

DINESH BHATT, J

OCTOBER 27, 2026
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