

2023 SCC ONLINE DEL 3475 .

Kanchan v. Government Of Nct Of Delhi And Others

Delhi High Court (May 31, 2023)

CASE NO.

W.P.(C) 7911/2023 and CM APPL. 30526/2023 (for direction)

DISPOSITION

in part

JUDGES

Siddharth Mridul

Talwant Singh, JJ.

SUMMARY

Relief Sought

The Petitioner seeks the following relief:

Arguments

The Petitioner argues that the relief sought should be granted based on the overall facts and circumstances of the case and in the interest of justice.

Disposition

The Petitioner does not pray for any further relief.

The pending application is also disposed of.

Conclusion

In light of the arguments presented, the Petitioner respectfully requests this Hon'ble Court to grant any other relief deemed fit and proper, considering the overall facts and circumstances and in the interest of justice.

JUDGMENT

Siddharth Mridul, J. (Open Court):— The present writ petition under Article 226 of the Constitution of India, has been instituted on behalf of the petitioner, praying as follows:—

“It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to issue a writ of mandamus or any other appropriate writ, or direction:—

A. Direct the Respondents not to dispossess or obstruct or disturb the Petitioners in carrying on her trade from her site i.e. Gujrati Market, Janpath, New Delhi-1 10001, in terms of section 3(3) of the *street vendors* (Protection of Livelihood and Regulation of *Street* Vending) Act, 2014 and;

B. Direct the Respondents/ Town Vending Committee to conduct the survey of the Petitioner within time bound manner and to issue certificate of vending in *favour* of the Petitioner as per the provisions of the *Street Vendors* (Protection of Livelihood and Regulation of *Street* Vending) Act, 2014.

Any other relief which this Hon'ble Court may deem fit and proper, may be granted in *favour* of the Petitioner, keeping in view overall facts and circumstances and also in the interest of justice.”

2. Issue notice.

3. Ms. Rachita Garg, learned counsel accepts notice on behalf of the respondent No. 1 and 3/GNCTD. Mr. Sri Harsha Peechara, learned Standing Counsel accepts notice on behalf of the NDMC/Respondent no. 2.

4. Mr. Ram Narayan Singh, learned counsel appearing on behalf of the petitioner, limits the relief to a direction to the Town Vending Committee (TVC), to consider the petitioner's representation dated 25.05.2023, annexed as Annexure P-5 to the present writ petition, in accordance with law, expeditiously.

5. Learned counsel appearing on behalf of the GNCTD states that the survey to be conducted by the duly constituted Town Vending Committee, shall commence forthwith, in accordance with the provisions of the *Street Vendors* (Protection of Livelihood and Regulation of *Street* Vending) Act, 2014, as well as, the *Delhi Street Vendors* (Protection of Livelihood and Regulation of *Street* Vending) Rules, 2017 and The Government of National Capital Territory of Delhi *Street Vendors* (Protection of Livelihood and Regulation of *Street* Vending) Scheme, 2019.

6. Learned counsel appearing on behalf of the NDMC states, that they shall render assistance, as may be required by the GNCTD, in this behalf.

7. Directed accordingly.

8. No further relief is prayed for.

9. In view of the foregoing, the present writ petition is partly allowed, and disposed of with a direction to the Town Vending Committee, to consider the petitioner's representation dated 25.05.2023, in accordance with law, during the conduct of the current survey.

10. The pending application also stands disposed of.

11. A copy of this judgment be uploaded on the website of this Court.