



\$~80

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

+ **CONT.CAS(C) 1026/2025 CM APPL. 41113/2025**

RAJEEV GOSWAMI

.....Petitioner

Through: Ms. Renu, Ms. Samishti Solomon,
Ms. Arpita Singh, Ms. Shivani Verma
and Ms. Pragya Jaishwal, Advs

versus

SHRI ASHWANI KUMAR & ORS.

.....Respondent

Through: Ms. Puja S. Kalra, SC with Mr.
Virendra Singh, Adv. for MCD.
Ms. Beenashaw N. Soni, SPC, UOI
with Ms. Mansi Jain for R-5, 6 and 7.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

15.07.2025

%

1. This petition has been filed alleging wilful disobedience of order dated 10th July 2024, passed by the Division Bench of this Court in ***W.P. (C) 8273 /2024***.

2. Issue is regarding the grievance of petitioner who has 79% (*seventy nine percent*) permanent disability in his right leg, right arm and right knee, and is a recognized street vendor with a Certificate of Vending (**CoV**), and has been vending from a site described as “*on the footpath*” at *Esplanade Road, Cycle Road, Photo Market Side, City SP Zone, Ward-84-N*. Relevant paragraphs of the said order are extracted as under:



8. Undisputedly, the petitioner cannot be permitted to construct a fixed or a semi fixed structure as no specific site has been allocated to him. However, considering that the petitioner suffers from a disability and it is not feasible for the petitioner to shift in every thirty minutes, we consider it apposite to direct the respondents to consider the petitioner's request for carrying on his vending activities from a fixed site, pending constitution of the Second TVC. We also direct that pending such consideration by the respondents, the petitioner would not be interdicted from carrying on his vending activities from the given site – on the footpath at Esplanade Road, Cycle Road, Photo Market Side, City SP Zone, Ward-84-N.

9. It is clarified that this order is not be construed as providing the petitioner any permanent right in respect of the given site and in any event the directions issued in this order shall cease to be operative on a vending plan being framed under Section 21 of the Street Vendors (Protection of Livelihood & Regulation of Street Vending) Act, 2014 or till the concerned

TVC takes decision as directed, whichever is earlier.

3. It has been stated by *Ms. Puja Kalra*, counsel appearing on behalf of Municipal Corporation of Delhi ('MCD'), that they are cognizant of the orders passed by this Court. However, the site which is stated in the order is a 'No Hawking' and 'No Vending' zone, and the matter has also been agitated by the *Chandni Chowk Vyapar Mandal* before the Division Bench of this Court in *W.P. (C) No. 15842/2024*, which is coming up on 20th August 2025.

4. However, considering that the Court's order is very categorical, MCD shall ensure compliance of *paragraph 8* (extracted above), till a decision is



taken by them to give petitioner an alternative site.

5. Regarding the alternative site, a couple of sites have been suggested by counsel for MCD during the course of hearing.

6. Petitioner is also present in Court and states that he will consider the locations, in order to give an affirmative response to MCD.

7. For this purpose, time is sought by counsel for petitioner and counsel for MCD.

8. Accordingly, list on 27th August 2025.

CM APPL. 41113/2025 (Application seeking release/return of confiscated goods/articles of the applicant)

1. This application has been filed seeking directions to release/return the confiscated goods of applicant from respondent/ MCD.

2. Considering the orders passed by the Division Bench of this Court; it is directed that the said confiscated goods be released to petitioner within a week without any charges.

3. Application is disposed of.

4. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 15, 2025/RK/sp