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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 11073/2024, CM APPL.56842/2024
BHARAT BHUSHANPetitioner

Through: Mr. Kotla Harshvardhan, Mr.
Anmol Gupta, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR

.....Respondent

Through: Ms. Tajinder Viridi, Mr. R.P.
Daida, Advs. for MCD.
Mr. Divyam Nandrajog, Panel
Counsel with Mr. Fateh
Singh, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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26.09.2024

1. Bearing in mind the grievance which stands raised, we call upon the noticed respondents to file a reply on the writ petition within a period of four weeks from today. The petitioner shall have three weeks therefrom to file a rejoinder, if so chosen and advised.

2. We bear in consideration the order passed in **Bharat Bhushan vs. Varsha Joshi** [Cont. Cas. (C) 984/2019 decided on 21 April 2023] and more particularly to the following passages from that order:-

“2. Though the order was passed on 18.07.2018, the aforesaid directions have not been complied with as the TVC has not carried out a survey for verification of the claims of the vendors including the Petitioner; and therefore, the Petitioner is agreed.

3. During the course of these proceedings, the Respondent herein filed an additional affidavit on 20.01.2023. In this affidavit, the Respondent has placed on record the minutes of the meeting of the Town Vending Committee (‘TVC’) held on 16.01.2023.

3.1 The issue pertaining to the Petitioner herein was considered at Agenda Point No. ‘4’ in the said meeting, wherein, pending the



survey, an interim measure was sanctioned and approved by the TVC, which is enlisted at para 'e' of the minutes and reads as under:-

*“e. However, keeping in mind, what felt from the Hon'ble Court, during the course of hearing, it was decided by TVC that Sh. Bharat Bhushan could be assured that as & when survey of Street Vendors shall commence, in near future, his survey would be conducted, on priority & he would be given one more fair chance to submit documents. **In the meantime, he may carry out vending activity so that his survey could be conducted & he could earn his livelihood by squatting in the area i.e. near Sulton Purl Bus Stand (without erecting any permanent structure / Kiosk /Booth/Khokha).** This shall be subject to the condition that Sh. Bharat Bhushan shall not erect any permanent Structure/Khokha/Kiosk/Booth etc. He shall also not cause any encroachment of Right of Way (ROW) or cause any obstruction to pedestrians/ movement of traffic, as per the mandate of the Street Vending Act.”* (Emphasis supplied)

4. The Respondent herein in the additional affidavit dated 20.01.2023 as well reiterated the contents of the aforesaid decision taken by the TVC and has stated before this Court that they will abide by the said resolution, until the survey is completed.”

3. In view of the aforesaid and till the next date of listing, we hold the respondents to the stand which was taken by Town Vending Committee and stands recorded hereinabove.

4. List again on 18.11.2024.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

SEPTEMBER 26, 2024/neha