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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10761/2023.**

PARDEEP KUMAR

..... Petitioner

Through: Mr. Yashaswi SK Chocksey and Mr.
Ankit Singh, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

..... Respondents

Through: Ms. Aayushi Tiku, Adv. for MCD/R-
1.
Mr. Abhinav Garg, Panel Counsel for
GNCTD with Mr. Mihir Gujjewar,
Adv. for Delhi Police.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
14.08.2023

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CM APPL. 41692/2023 (Exemption)

Exemption allowed subject to just exceptions.

Application is disposed of accordingly.

W.P.(C) 10761/2023

Issue notice.

Ms. Aayushi Tiku, learned counsel on behalf of MCD and Mr. Abhinav Garg, learned counsel on behalf of Delhi Police accept notice; and pray for time to file a reply within 2 weeks from today with advance copy(s) to the learned counsel appearing on behalf of the petitioner, who may file



rejoinder thereto, if any, within two weeks.

List on 06.10.2023.

CM APPL. 41691/2023 (Interim relief)

The present application has been instituted on behalf of the applicant/petitioner under Order XXXIX Rule 1 and 2 read with Section 151 CPC, 1908 and Article 226 of the Constitution of India, 1950 praying as follows:-

- “a.) grant ex-parte ad interim order directing the respondent No. 1 to Respondent No.3 to take immediate measures for placing the petitioner on the place of his vending i.e. Shop at Narela Zone, Ward 32-N in Shahbad Dairy, New Delhi-110042;*
- b.) Direct the Respondent No. 1 and 2 to return the vending goods of the petitioner on payment of requisite fee without any delay and allow the petitioner to vend at the designated site without any hinderance in terms of his COV;*
- c.) pass such other and further orders as this Hon'ble court may consider fit and proper necessary in the interest of justice.”*

After some arguments, learned counsel appearing on behalf of the petitioner limits the relief to Prayer Clause (b), i.e., a direction to the Municipal Corporation of Delhi to release the petitioner's confiscated goods in accordance with law and in particular **Section 19 of the Street Vendor (Protection of Livelihood and Regulation of Street Vending) Act, 2014.**

In view of the foregoing, the petitioner is granted liberty to approach the Municipal Corporation of Delhi under the clear mandate of the provision of **Section 19 of the Street Vendor (Protection of Livelihood and Regulation of Street Vending) Act, 2014** in accordance with law, for the



same.

The application is partly allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

ANISH DAYAL, J

AUGUST 14, 2023/MK