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

+ **W.P.(C) 9589/2023**

JAI PRAKASH

..... Petitioner

Through: Mr. Yashaswi SK Chocksey,
Advocate.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Through: Mr. Vishal Raj Sehijpal, Advocate
for R-1 & R-2/MCD.
Mr. Sanjay Lao, Standing Counsel
(Criminal) along with Ms. Priyam
Agarwal, Advocate for R-3/Delhi
Police.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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20.07.2023

CM APPL. 36676/2023 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of accordingly.

W.P.(C) 9589/2023 & CM APPL. 36675/2023 (for interim relief)

Issue notice.

Mr. Vishal Raj Sehijpal, learned counsel accepts notice on behalf of the respondent Nos. 1 and 2/MCD and Mr. Sanjay Lao, learned Standing Counsel (Criminal) accepts notice on behalf of the respondent No. 3/Delhi Police and pray for time to file replies.

Let the counter-affidavits and reply to the application, be filed within a period of four weeks from today, after providing advance copies



thereof to learned counsel appearing on behalf of the petitioner, who may file rejoinder(s) thereto, if any, within a period of two weeks thereafter.

List on 06.10.2023.

In the meantime, having heard learned counsel appearing on behalf of the parties, the Municipal Corporation of Delhi is directed to release the subject confiscated goods, to the petitioner, within a period of four days from today, subject to payment of fees, as may be levied, in terms of the clear mandate of the provision of Section 19 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and Clause 6.5 of The Government of National Capital territory of Delhi Street Vendors (Protection of livelihood and regulation of street vending) Scheme, 2019.

For the sake of completeness, the above-mentioned provisions are being reproduced herein below:-

Section 19 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

“19. Seizure and reclaiming of goods.

(1) If the street vendor fails to vacate the place specified in the certificate of vending, after the lapse of the period specified in the notice given under sub-section (3) of section 18, the local authority, in addition to evicting the street vendor under section 18, may, if it deems necessary, seize the goods of such street vendor in such manner as may be specified in the scheme:

Provided that where any such seizure is carried out, a list of goods seized shall be prepared, as specified in the scheme, and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.



(2) The street vendor whose goods have been seized under sub-section (1) may, reclaim his goods in such manner, and after paying such fees, as may be specified in the scheme:

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor, and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.”

Clause 6.5 of The Government of National Capital territory of Delhi Street Vendors (Protection of livelihood and regulation of street vending) Scheme, 2019

“6.5 The manner or giving notice for eviction of a street vendor:

(6.5.1) Notice for eviction may be given preferably in local language which can be easily comprehended by the vendor and in case street vendor is illiterate, violations detected and mentioned in the notice can be informed verbally.

(6.5.2) In case, the vendor refuses the service of notice or the service is not practically possible, the notice shall be pasted at the conspicuous place in the area of vending and on doing so, the notice shall be deemed to be served.”

Directed accordingly.

A copy of this order be uploaded on the website of this Court.

SIDDHARTH MRIDUL, J

ANISH DAYAL, J

JULY 20, 2023/rs

[Click here to check corrigendum, if any](#)