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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14803/2023, CM APPL. 58864/2023 CM APPL. 58865/2023
ANIL KUMAR

..... Petitioner

Through: Mr.Yashaswi SK Choksey, Mr.Ankit
Singh, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

..... Respondents

Through: Mr.Virender Singh, Ms.Puja Kalra,
Advocates.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

10.11.2023

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1. This Writ petition is filed with the following prayers:

- “a) issue a writ in the nature of mandamus directing Respondent No. 1 to release the petitioner's vending goods & all its belongings; and/ or;*
b) issue the writ in nature of mandamus, directing the responderIts to restore the petitioner to its original vending space with dignity i.e. Modi Towers, in front of Mansarovar building 90, Nehru Place, Central Zone, TVC-1, Delhi; and/ or;
c) issue the writ in nature of mandamus, directing the respondent Municipal Corporation of Delhi to provide Certificate of Vending to the petitioner; and/ or;
d) issue the writ in nature of mandamus, directing the respondents to pay the compensation to the petitioner for loss of business due to illegal action of the respondents; and/ or;
e) Direct the Respondent No. 1 MCD to identify and take disciplinary action against its agents responsible for the present illegal acts; and/ or;
f) Allow the present writ petition with exemplary cost.”

2. It is submitted by the learned counsel for the petitioner, his goods have been seized by the respondent no.1/MCD and he needs a direction to MCD to release his goods. He refers to an order dated 19.09.2023 passed in W.P.(C) 12307/2023 wherein a similar prayer was made. The order read as



under:

“ *Having heard learned counsel appearing on behalf of the parties, and in terms of the directions Issued by this Court vide order dated 19.01.2023, in Md.Azad and Ors. vs. New Delhi Municipal Council and Ors., we direct the MCD to release the subject goods to the petitioner, within a period of four days from today, subject to payment of fees, as may be levied, in terms of Section 19 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 ("the Act").*

Further learned counsel appearing on behalf of the petitioner seeks liberty to move an appropriate representation before the duly constituted Town Vending Committee ("TVC"); at the time they carry out the subject survey, in accordance with the Act, the Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017, and the Government of National Capital Territory of Delhi Street Vendor (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019.

Needless to state that the duly constituted TVC shall consider the petitioner's representation, proposed to be filed by the petitioner, at the time of the survey, in accordance with law.

No further relief is prayed for.

With the above directions the present Writ petition is partly allowed and disposed of accordingly. Pending applications, if any, also stand disposed of.”

3. Considering the facts, let the MCD release the subject goods within a period of four days from today, subject to payment of fee levied in terms of Section 19 of The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

4. Having been satisfied, the learned counsel for the petitioner intends to withdraw the petition. Accordingly, the petition stands dismissed as withdrawn. Pending application(s), also stand disposed of.

YOGESH KHANNA, J.

TUSHAR RAO GEDELA, J.

NOVEMBER 10, 2023/DU