

ITEM NO.22

Court 5 (Video Conferencing)

SECTION XIV

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**SPECIAL LEAVE PETITION (CIVIL) Diary No.22643/2020**

(Arising out of impugned final judgment and order dated 31-07-2019 in WP(C) No.6671/2019 passed by the High Court of Delhi at New Delhi)

**DELHI PRADESH REHRI PARTI KHOMCHA  
HAWKERS UNION & ORS.**

**Petitioner(s)**

**VERSUS**

**SOUTH DELHI MUNICIPAL CORPORATION & ORS.**

**Respondent(s)**

(With appln.(s) for IA No.109442/2020-CONDONATION OF DELAY IN FILING and IA No.109445/2020-EXEMPTION FROM FILING O.T. and IA No.109443/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

**Date : 18-11-2020 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDU MALHOTRA  
HON'BLE MS. JUSTICE INDIRA BANERJEE**

**For Petitioner(s) Ms. Shobha Gupta, AOR  
Ms. Prachi Apte, Adv.**

**For Respondent(s)**

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 Delay condoned.
- 2 The High Court by its impugned order dated 31 July 2019 disposed of Writ Petition (Civil) No 6671/2019 (*Mehboob and Others vs South Delhi Municipal*

*Corporation*). The issue in dispute before the High Court was the presence of vendors from the area adjacent to the wall on the road leading to the Hazrat Nizamuddin Dargah. Before the High Court, it was urged that though the vendors in question were not authorized tehbazari holders, their eviction from the site was in violation of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. It was urged that till the Town Vending Committee (**TVC**) conducts a survey in terms of the Scheme formulated by the Delhi Government, collects data and prepares a list of surveyed persons, the petitioners cannot be removed from the site. Rejecting this submission, the High Court noted that the egress and ingress of local residents was being obstructed, resulting a nuisance on a daily basis on account of restricted movement in a narrow lane adjacent to a venerated Dargah of Hazrat Nizamuddin. However, the High Court while disposing of the petition, observed that in the event the TVC conducts a survey of the area in terms of the Scheme, the absence of the petitioners from the site in question will not be treated as the sole ground to reject their claims.

- 2 Ms Shobha Gupta, learned counsel appearing on behalf of the petitioners submits that as a result of the directions of the High Court, the entitlements of the petitioners under the Act of 2014 have not been protected. The court has been apprised of the fact that in the month of September 2019, TVCs have been constituted. Learned counsel submitted that despite the passing of six years since the enforcement of the Act, no survey has been conducted. Learned counsel submitted that on 21 August 2020, a representation has been submitted to the Deputy Commissioner/Chairperson of the TVC, South Delhi Municipal Corporation. A copy has been annexed at Annexure P-29 to the Special Leave Petition.
- 3 At this stage, we are of the considered view that it would be appropriate if the above representation dated 21 August 2020 is considered and a decision is taken thereon in accordance with law within a period of four weeks from the date on which a certified copy of this order is produced before the Deputy Commissioner. Thereafter, if the petitioners need substantive directions for the enforcement of the provisions of the Act of 2014, we grant them liberty to move the High Court afresh in proceedings under Article 226

of the Constitution.

- 4 Subject to the aforesaid directions, the Special Leave Petition is disposed of.
- 5 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Court Master**