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

Date of decision: 24th August, 2026

Uploaded on: 27th August, 2026

CNR No. DLHC010397432026

+ **W.P.(C) 12335/2026**

SHANKAR GUPTA

.....Petitioner

Through: Mr. Aditya, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

AND ORS

.....Respondents

Through: Mr. Harshit Chopra, Standing Counsel
for MCD.

Mr Pritish Sabharwal SPC with Mr.
Aditya Goel, GP for R-3 & 4.

Ms. Vaishali Gupta, Panel Counsel
(Civil), GNCTD with Ms. Rashi
Aggarwal, Adv. for R-5.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend from the vending site on the footpath at DDA Sabzi Mandi, near MCD Primary School, Dabri Mod, Najafgarh Zone, Ward-S-30, New Delhi (hereinafter, 'the vending site').



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3. The Petitioner also seeks directions to the Respondents, to refund the amount of Rs. 3500/-, which was recovered from him towards release of the seized goods.
4. The case of the Petitioner is that he is a street vendor who has been vending from the said vending site for several years.
5. The Petitioner has been issued a *provisional* Certificate of Vending (*hereinafter*, 'CoV') bearing **URI No. 3386676** under the category of '**Food snack with gas cylinder/fire**' for Najafgarh zone, Ward-S-30, New Delhi.
6. The photograph of Petitioner's vend has been placed on record and is set out below:



7. The Petitioner is aggrieved by the fact that, on 4th August, 2026, the concerned officials of the Municipal Corporation of Delhi (*hereinafter*, 'the MCD') had seized all his goods, and a penalty of Rs.3,500/- was imposed.

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8. Mr. Aditya, Id. Counsel for the Petitioner submits that since the Petitioner has a valid *provisional* CoV, and in terms of ***circular bearing No. DC/MCD/CI.&K/2025/0-435*** dated 10th February, 2025, issued by the Central Licensing and Enforcement Cell, MCD, the penalty that could have been imposed is only Rs.1,475/-, rather than Rs.3,500/-.

9. Thus, it is the case of the Petitioner that he has been treated as an unlicensed *Rehri* vendor, by imposition of penalty of Rs. 3500/-, which is contrary to the circular dated 10th February, 2025.

10. Mr. Harshit Chopra, Id. Standing Counsel for MCD has handed over certain photographs. The said photographs are set out below:



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11. Relying on the aforesaid photographs, it is contended that a fully functional *Mandi* had been created on both sides of the ***MCD Primary School, Dabri, New Delhi***, which was being operated from the said spot.

12. Further, it is also submitted that the Joint Commissioner of the area had written a letter dated 12th May, 2026 to the Commissioner, MCD, to initiate intensive drives, and action for removal of encroachment from footpaths of the said area. The said letter is set out below:

“No. 1566/TE (D-II)/Traffic, dated the Delhi
12/05/2026

To

The Commissioner,
Municipal Corporation of Delhi,
Dr. SP Mukherjee Marg, Jawaharlal Nehru Marg,
Minto Road, New Delhi-110002
commissioner@mcd.nic.in

Sub:- **Request for taking concerted action
regarding encroachment removal.**

Sir,

The Hon'ble LG, Delhi, vide his tweet dated 10.05.2026, appealed to all citizens of Delhi to cooperate with Delhi Traffic Police in making the city roads safer and congestion free. In reaction to this, a large number of users have suggested the urgent need for encroachment removal from public footpaths, roads and crossings.

In this respect, it is requested to initiate intensive drives/action for removal of encroachment from all such areas. The Delhi Traffic Police offers to support and render full cooperation for all such drives. A line of advance intimation on the action planned in this regard will be appreciated in the interest of making sufficient manpower available.

Yours Sincerely,

(Sanjay Kumar Tyagi) IPS



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*Joint Commissioner of Police,
Traffic, Delhi.”*

13. Furthermore, it is also contended by Id. Standing Counsel that repeated complaints are also stated to have been received from the area, by the Delhi police, commuters and residents, pertaining to enormous traffic congestion being caused due to the location of the *Mandi*.

14. Mr. Chopra, Id. Standing Counsel for the MCD, has also handed over the ‘Minutes of Meeting’ of the Special Task Force dated 23rd July, 2026, which was held under the Chairmanship of the Sub-Divisional Magistrate (Dwarka), South-West District.

15. In the said meeting, detailed discussions were also held in respect of the encroachments in the said area, and it was decided that a joint inspection shall be conducted and necessary action shall be taken for removal of the encroachments. The relevant portion of the said minutes are extracted below:

*“F.No.SDM(DWK)/SW/Misc/2026/51152 Dated:
24/07/26*

MINUTES OF MEETING

A meeting of the Special Task Force (STF) was convened on 23.07.2026 at 03:00 PM under the chairmanship of the undersigned to review and discuss the issues relating to Court matters, Demarcation, Encroachment, complaints received in this office, including those forwarded from other Departments / Line Departments etc.

The attendance sheet of the officers who attended the meeting are enclosed herewith as Annexure-I. None present from DDA in the meeting. Further, it also came to the notice of the undersigned that sub-ordinates came to attend the meeting. As per the order no. 1907 dated 29/06/2022 issued by Revenue Department, GNCTD, members of the STF have to attend Dwarka, Convener

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STF took it seriously and directed all the concerned officers to be present in the next STF meeting.

The following issues were discussed and the directions mentioned below were issued:

xxx

xxx

xxx

5. Encroachment-related Issues on Dabri-Palam Road, Dashrathpuri, Mahavir Enclave and around Pink Apartment : The undersigned informed that the Hon'ble MLA, AC-33, Dwarka, had raised issues relating to encroachment on Dabri-Palam Road, at Dashrathpuri and Mahavir Enclave, as well as the requirement of post-drive monitoring in the DDC (South West) meeting held on 12.06.26.

In this regard, the undersigned informed the AE, MCD present in the meeting that a letter dated 20.07.26 had already been issued by this office, directing that a joint inspection be conducted and necessary action be taken for removal of the encroachments from the aforesaid areas.

xxx

xxx

xxx

**(Dr. JATINDER SOHAL)
SDM (DWARKA)
SOUTH WEST DISTRICT"**

16. It is the submission of Id. Standing Counsel for the MCD that the vendors had almost created a whole market along the wall of the school, which led to the action being taken by the MCD for the removal of the encroachments.

17. The Court has heard the Id. Counsels for the parties and perused the records. A perusal of the photographs would reveal the following:

- (i) A large number of vendors were operating a fruit/*sabji* market and had also erected temporary structures across the entire footpath.



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(ii) There is also a substantial amount of litter on both sides of the footpath outside the school, which could adversely affect the traffic conditions in the area, and pose a risk to the safety and security of the children, who are entering and exiting from the main gate of the school.

(iii) Several stones on the footpath outside the school have already been dislodged and/or have been uprooted, which poses a potential safety hazard to pedestrians and may result in accidents or injuries.

18. The presence of such litter and encroachments in the immediate vicinity of the school, may also obstruct the free movement of pedestrians and vehicles, particularly during the opening and closing hours of the school.

19. After perusing the photographs, this Court has no doubt that the vendors cannot be permitted to occupy the footpath, particularly in the vicinity of the school. The authorities have, therefore, rightly taken action for removal of the vendors.

20. Insofar as the further action to be taken by the MCD is concerned, the pavement is not properly laid in front of the school, and the footpath needs to be cleaned as well.

21. The concerned Assistant Commissioner, MCD, shall take appropriate measures for beautification of the wall of the school, and shall also ensure that the footpath is properly laid, so as to facilitate easy and convenient ingress and egress for the children coming to the school. The Principal of the school shall also be consulted in this process, if required.

22. Further, the concerned Executive Engineer, MCD, of the said ward shall file a status report before this Court, after taking appropriate action of cleaning the entire footpath, and ensuring proper laying thereof.

23. Insofar as the Petitioner is concerned, since he has a provisional CoV,



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which recognizes that he can vend in the Najafgarh Zone, Ward S-30, the concerned Assistant Commissioner, MCD shall identify an alternate space for the Petitioner for vending, which shall be in a vending zone, within a period of two weeks from this order.

24. Furthermore, since the category of the Petitioner is ***'Food/Snack Gas Cylinder with Fire'***, the Petitioner shall also abide by similar terms and conditions as have been passed in similar matters, where vendors were vending under the category of ***'Food/Snack with gas cylinder/fire'*** i.e., in ***W.P.(C) 15082/2025*** titled ***'Rajendra Singh v. Commissioner of Police and Ors.'*** vide order dated 2nd February, 2026, ***W.P.(C) 19391/2025*** titled ***'Mohd Badruddin v. Municipal Corporation of Delhi & Ors.'*** vide order dated 8th January, 2026 and in ***W.P. (C) 1609/2026*** titled ***'Rihana v. MCD & Ors.'*** vide order dated 5th February, 2026.

25. In this background, to protect the livelihood of the Petitioner, the present petition is disposed of in the following terms:

(a) The Petitioner shall abide by the terms and conditions of the *provisional CoV*, which are as under:

"1. Vendor shall not have any other permanent or long-term vending certificate.

2. Vending certificate is non-transferable.

3. It is mandatory for the vendor to follow the vending period and zone as determined by TVC or local body.

4. Vendor shall not give his vending certificate on rent in any way.

5. Vendor shall not have any infectious disease.

6. Vendor shall have to take care of hygiene on vending place/zone and nearby area and also take



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care of public health.

7. Vendor shall display copy of vending certificate on his place/vending site and will produce original documents to TVC/concerned inspector whenever required.

8. Vendor/Squatter shall insure that no hindrance be caused to pedestrian and vehicular moment.

9. Vendor shall not vend/sell any harmful, dangerous and polluted items. It should also be ensured that the quality of the products sold and services provided to the public conform to the prescribed standards of public health, hygienic conditions and safety.

10. The street vendor shall not do any unauthorized/illegal activity.

11. Mobile vendors shall not stay or vend more than 30 minutes or time prescribed by the TVC at place in a vending/squatting zone.

12. Vendors will not block footpaths and will not vend on roads. Vendor should take care of space in front of vending stalls/counters on footpath for pedestrians.

13. Vending certificate can be cancelled or suspended on the basis of violations.

14. Vendor shall not build or construct any kind of permanent or temporary structure at vending site.

15. Seller shall adopt health and hygiene conditions as required by local laws and court orders.

16. Vendor have to follow all the conditions mentioned in Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019”

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- (b) The Petitioner shall be permitted to operate his vend, but shall use a gas cylinder which does not occupy too much space. It is made clear that only a small gas cylinder for heating of food and snacks shall be used by the Petitioner;
- (c) The Petitioner shall restrict himself to a particular space which shall not in any manner cause obstruction to the movement of pedestrians or cause any traffic congestion to vehicular traffic on the roads;
- (d) The Petitioner shall also be obliged to maintain cleanliness and hygiene around the vend, which he is working from and shall ensure the presence of a dustbin near the vend;
- (e) Subject to the above, Condition No.11 in the CoV shall not apply to the Petitioner. The Petitioner shall comply with all the other conditions in the CoV.
- (f) It shall be ensured that the Petitioner shall not create any third party interest in this provisional CoV and there shall be a bar on sub-letting or any handing over possession to any third party.
- (g) No permanent or temporary construction shall also be erected by the Petitioner.

26. The above stated directions shall be subject to any plan which the Town Vending Committee-II may be coming up with in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and no vested rights shall be claimed.

27. Subject to the Petitioner adhering to the above terms and conditions, Petitioner's vending activities shall not be disturbed.



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28. The petition is disposed of in the above terms. The pending applications, if any, are also disposed of.
29. List for compliance on 14th December, 2026.
30. Status report be filed by the MCD by the said date.

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

AUGUST 24, 2026aj/sm

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