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

+ **FAO 337/2025**

SMT MAYA

.....Appellant

Through: **Mr. I.J.S. Mehra, Advocate**

Versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: **Ms. Mehervnnisa Anand Jaitely, Adv.
for R-1**

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

01.12.2025

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CM APPL 75422/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

FAO 337/2025, CM APPLs. 75421/2025 & 75423/2025

1. This is an appeal under Order XLIII Rule 1 of the Code of Civil Procedure, 1908 (the CPC), against the order dated 13.06.2025, by which the trial court dismissed the application filed



under Order XXXIX Rule 1 CPC filed by the appellant/plaintiff seeking injunction restraining the respondents/defendants and the officials concerned from interfering with the possession of the appellant/plaintiff over the premises on the pavement adjacent to Sanatam Dharam Mandir, Rajpur Road, Civil Lines, Delhi-110054 (suit premises), dispossessing her from the suit premises and preventing her from running business of fresh fruits and vegetables.

2. Issue notice.

3. Learned counsel appearing on behalf of the respondent No.1 accepts notice.

4. According to the appellant/plaintiff, she has a right to run her business of selling fruits and vegetables on the suit premises. Since the year 2010, she has been allowed to run her business as per certificate/registration No. DL/276401/201227/1563603 issued for availing benefits under the Prime Minister Swanidhi Scheme by the Ministry of Housing and Urban Affairs, Government of



India. It is stated that she is protected under Section 3(3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (the Street Vendors Act). It is further alleged that the respondents/defendant nos. 1 and 2 are harassing her and demanding illegal gratification to permit her to run the business on the suit premises, failing which she would be evicted.

5. The respondents/defendants entered appearance before the trial court, and filed written statement contending that the area described in the plaint, that is, on the pavement where the appellant/plaintiff was alleged to be carrying on her business, is a “no vending/no hawking zone” and that the appellant/plaintiff is an encroacher on the municipal land. It is further contended that the appellant/plaintiff cannot be granted any relief, and that no protection under Section 3(3) of the Street Vendors Act is available to her.

6. The trial court, after perusing the records, found that the document relied on by the plaintiff, that is, the



certificate/registration number hereinabove referred to, was issued for availing benefits under the Prime Minister Swanidhi Scheme by the Ministry of Housing and Urban Affairs, Government of India and that it was not a certificate for vending but only a letter of recommendation meant for the beneficiaries of the aforesaid Scheme. The said Scheme offered collateral-free loans for the street vendors, aiming to formalise the street vending sector. The letter of recommendation was in no manner a substitute for the certificate of vending granted by the MCD/respondent no. 1. Finding so, the trial court dismissed the application for interim injunction on the ground that no *prima facie* case has been made out.

7. It is submitted by the learned counsel for the appellant/plaintiff that though the appellant/plaintiff submitted an application dated 12.06.2025 for obtaining a license, the application has not been considered by the authorities concerned.

8. The learned counsel for the respondents/defendants



submits that no license can be granted to the appellant/plaintiff in the area scheduled in the plaint, as it is a “no vending/no hawking zone”. The certificate/registration certificate relied upon by the appellant/plaintiff, apparently, is not a permit or license granted by the authorities concerned to conduct the business in the plaint schedule area as alleged in the plaint. Therefore, the trial court has not committed any infirmity or any error in rejecting her application for interim injunction.

9. However, since it is submitted that an application has been moved by the appellant/plaintiff and the same has not been looked into by the authorities concerned, the respondents/defendants are directed to examine the application and process the same in accordance with law. As there is no evidence or material(s) on record to support the claim of the appellant/plaintiff that she has a right to conduct her business on the pavement, which is scheduled in the plaint, I find no infirmity calling for an interference by this Court.



10. Hence, the appeal is disposed of with the aforesaid direction to the respondent concerned. Application(s), pending if any, stand closed.

CHANDRASEKHARAN SUDHA, J

DECEMBER 1, 2025

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