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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1307/2026

VIJENDER

.....Petitioner

Through: Mr. Aditya, Adv.

versus

COMMISSIONER OF POLICE AND ORSRespondents

Through: Mr. Sandeep Tyagi & Ms. Shobha Tyagi, Adv. for R-1 & 2 (99998 86249)
Mr. Tushar Sannu, SC, MCD with Ms. Ishika Jain, Adv.
Mr. Shishu Pal, Licensing Inspector, MCD
Ms. Vaishali Gupta, Adv. for R-5.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

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03.02.2026

1. This hearing has been done through hybrid mode.
2. The present writ petition under Article 226 of the Constitution of India has been filed by the Petitioner, who is a street vendor, whose vending details are as under:

Sl. No.	Name and address of the Street Vendor	Nature/Type of Vending	Place of Vending	Vending Certificate
1.	Vijender R/o J-10 Shri JJ Camp, Nanak Pura, Moti Bagh-2, near Pole No. RKPA 707, South Moti Bagh, Chanakya Puri, South West Delhi, Delhi-110021.	Food Items	Open space, Benito Juarez Marg, near Durga Bai Deshmukh South Campus Metro Station, Satya Niketan, South Moti Bagh II, South Zone, Ward-S-64, New Delhi	URI No. 1809034. Issued on Date: 06.11.2021



3. It is the case of the Petitioner that despite having been issued a Certificate of Vending (hereinafter, 'CoV'), he is being repeatedly harassed by the authorities and therefore, the police authorities and the Municipal Corporation of Delhi (hereinafter, 'MCD') have been made parties in the present matter.

4. The prayer in the writ petition is for allowing the Petitioner to peacefully vend at his vending spot, and for the authorities to be restrained from harassing the Petitioner. The prayer in the petition reads as under:

"I. Pass an order directing the respondents to allow the petitioner street vendor to peacefully vend at his vending site i.e., On the footpath/Open space, Benito Juarez Marg, near Durga Bai Deshmukh South Campus Metro Station, Satya Niketan, South Moti Bagh II, South Zone, Ward-S-64, New Delhi without any let or hindrance being caused by any public official.

II. Pass an order directing the respondents, their officials, their agents etc. be restrained from harassing the petitioner from peacefully vending at his vending site.

III. Pass an order directing the SHO, PS South Campus to ensure that the petitioner street vendor shall not be forcefully removed from his vending site.

IV. Pass an order directing the respondent to correct the nomenclature in the column for type of vendor from Food/Snack with gas cylinder/fire to Stationary Street vendor as detailed in the vending certificate issued to the petitioner.

V. Pass an order for quashing and setting aside the terms of certificate of vending printed at the back side of the vending certificate to the extent which is not applicable to a stationery street vendor.

VI. Pass any such directions or order that this Hon'ble Court deems fit and proper in the facts and



circumstances of the above-mentioned case.”

5. On the last date of hearing, the Court had directed the MCD to verify as to what is the status of survey in the concerned vending area of the Petitioner.

6. Today, Id. Counsel for the MCD, on instructions from Mr. Shishu Pal, Licensing Inspector, MCD of the said zone *i.e.*, Satya Niketan, South Moti Bagh II, South Zone, Ward-S-64, New Delhi, submits that the survey is going on and the Petitioner’s candidature has already been considered, as he has a provisional CoV.

7. In the opinion of this Court, since the survey is stated to be already going on, the Petitioner shall not be disturbed from vending from his vending spot. A perusal of the CoV of the Petitioner shows that the Petitioner is entitled to vend ‘Food/Snacks with gas cylinder/fire’.

8. Recently, in a similar matter *i.e.*, in ***W.P.(C) 19391/2025*** titled ***Mohd Badruddin v. Municipal Corporation of Delhi & Ors***, a vendor with a provisional CoV, who was also entitled to vend ‘Food/Snacks with gas cylinder/fire’, has been exempted by this Court to comply with Condition No. 11 of the CoV.

9. The said Condition No. 11 of the CoV reads as under:

“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.”

10. Similar directions as have been passed in ***W.P.(C) 19391/2025*** have also been passed by this Court in ***W.P.(C) 453/2026*** titled ***Govind Singh Bhandari v. MCD & Ors.***, and ***W.P.(C) 15082/2025*** titled ***Rajendra Singh v. Commissioner of Police & Ors.***, wherein the Petitioners were exempted from



Condition 11 of the CoV.

11. Thus, in the present petition as well, the Court deems it appropriate to issue the following directions:

- a) 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 or medium sized gas cylinder for heating of food and snacks shall be used by the Petitioner;
- b) The Petitioner shall restrict himself to a particular space, where he is operating from, and shall not extend/encroach to the pedestrian areas or cause obstruction in movement of pedestrians;
- c) The Petitioner shall also be obliged to maintain cleanliness and hygiene around the vend which he is working from including providing of garbage bins;
- d) 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.

12. The petition along with pending application is disposed of in the aforesaid terms.

PRATHIBA M. SINGH, J

MADHU JAIN, J

FEBRUARY 3, 2026

kk/ss