



\$~46

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

Date of decision: 4th February, 2026

Uploaded on: 6th February, 2026.

+ **W.P.(C) 1600/2026 & CM APPL. 7790/2026, CM APPL. 7791/2026**
KANCHAN KUMARPetitioner

Through: Mr. Prashant Katara & Ms. Sakshi
Jain, Advs. (M: 8800214656)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Ms. Meherunnisa Anand, Adv. for R-
1 & 2. (M: 9717100486)
Mr. Sahaj Garg & Mr. Deepansh
Sharma, Advs. for R-3. (M:
8800214656)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

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 issuance of an appropriate writ prohibiting the Respondent No. 1- Municipal Corporation of Delhi (hereinafter, 'MCD') and Respondent No. 3- Delhi Police from interfering with the vending activities of the Petitioner.
3. The Petitioner has been issued a provisional Certificate of Vending (hereinafter, 'COV') bearing no. URI: 7818099 under the category 'Food/Snack with gas cylinder/fire'. The address of the Petitioner is mentioned in the COV as Hauz Khas Village, 30, New Delhi -110016.
4. The case of the Petitioner is that he has been vending in this area since



the year 2000. The photographs have been placed on record showing the location of the Petitioner's vend.

5. The submissions on behalf of the Petitioner is that the authorities including the MCD and the Delhi Police, etc., are causing harassment to the Petitioner.

6. On behalf of the Respondent No.1- MCD, the photographs of the vend of the Petitioner have been handed over to the Court some of which are set out below:





7. It is submitted on behalf of Respondent No. 1-MCD that the Petitioner has been in violation of various conditions of the COV and has created permanent structures, contrary to Condition No. 14 of the COV.

8. Ms. Meherunnisa Anand, Id. Counsel for the MCD submits that even though the Petitioner may have been permitted to run the vend with a gas cylinder, the same cannot be in the manner as being run by the Petitioner and hence, the MCD is entitled to take action.

9. On behalf of the Petitioner, reliance is placed upon the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 including Sections 10, 18 and 27 as also the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019 in which under Chapter V, Clause 5.1, without notice being issued, the COV cannot be cancelled or suspended.

10. Heard. The Court has perused the photographs. The COV of the Petitioner has terms and conditions attached with it which have not been filed with the present petition, however, the same have been handed over by Id. Counsel for the Petitioner. The said certificate along with the terms and conditions are set out below:



2026:DHC:941-DB



दक्षिणी दिल्ली नगर निगम

ANNEXURE P-1

24



वेंडिंग सर्टिफिकेट
(सीओवी)
URI:7818099



स्ट्रीट वेंडर का नाम	Kanchan Kumar
लिंग/उम्र	Male / 49
पिता/माता/पति का नाम	Jagarnath Ram / Leela Devi
निवास का पता	Husz khas village, 30, Husz khas, South Delhi, 110016
आधार कार्ड नंबर, यदि कोई हो	870098689485
मोबाइल नंबर	9350824398
वेंडर का प्रकार	Food/ Snack with gas cylinder/ fire
यह क्षेत्र जहाँ विक्रेता को विक्रय की अनुमति दी गयी है	South Zone, Ward- S-61 *
प्रतिमाह लाइसेंस शुल्क (समय - समय पर वृद्धि की जा सकती है)	
सीओवी जारी करने की तारीख	
प्राधिकारी के हस्ताक्षर	Signature valid
मोहर	MOHAMMED RAZI ALI KHAN Delhi 09.03.2022 13:13

- * पंजीकरण की वैधता प्रारंभ में जारी होने की तारीख से पांच साल के लिए वैध और हर पांच साल के बाद नवीनीकरण और तहबाजारी/वेंडिंग की शर्त पूरी करने पर। (सीओवी) गैर-हस्तांतरणीय है।
- * उक्त वेंडिंग सर्टिफिकेट वेंडिंग ज़ोन निर्धारण होने तक मान्य रहेगा।
- * वेंडिंग ज़ोन निर्धारण के उपरान्त, स्कीम अनुसार नवीन सर्टिफिकेट जी. आई. एस. डाटा सहित जारी किया जाएगा।

““Terms & Conditions of the Vending Certificate

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 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.”

11. A perusal of the COV and the conditions attached would show that as per Condition No. 14, the Petitioner is prohibited from creating any permanent structure or construction or even a movable structure cannot be constructed. Further, insofar as the gas cylinder is concerned, the same has to be used in such a manner which is in consonance with Condition No. 14 as well.

12. The photographs which have been handed over and are extracted above show that an entire shop has been constructed by the Petitioner with grills and glass frames. Moreover, there is a proper freezer, refrigerator and the entire vend is in the nature of the shop and is hardly a vend.

13. Considering the location of this vend *i.e.*, Hauz Khas village which is a prime South Delhi location, the Petitioner is not paying any charges to the MCD.

14. Insofar as the aspect of notice is concerned, the various challans which have been issued to the Petitioner shows certain violations by the Petitioner such as fine imposed due to violation of conditions, heavy mosquitoes breeding, etc. Fines have been imposed upon the Petitioner from time to time, and despite the imposition of numerous fines and the issuance of challans by the DEMS South Mobile Court, it appears that the Petitioner has continued with the violation of the COV conditions.

15. The challans clearly constitute notice of repeated violations. The proposed action being taken by the MCD cannot be held to be illegal as it is only meant to ensure that the Petitioner complies with the conditions of the COV.



16. If the COV which is provisional in nature is to be cancelled, obviously notice can be given, however, such unhygienic conditions, non-maintenance of cleanliness and deliberate/ conscious violations of conditions by erecting permanent and temporary structures cannot be condoned even for a day.

17. Accordingly, the MCD is free to, therefore, take action to ensure that the Petitioner comply with the provisional COV. Insofar as the gas cylinder is concerned, this Court has already taken a view in several writ petitions including ***W.P.(C) 15082/2025*** titled ***Rajendra Singh V. Commissioner of Police and Ors.*** where the following conditions have been imposed:

- “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;*
- 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.”*

18. This Court is of the opinion that the present writ petition is completely devoid of merit.

19. The MCD is free to take an action to ensure that the Petitioner complies with the conditions of the provisional COV. The MCD is also free to issue notice for cancellation of the COV.



2026:DHC:941-DB



20. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

FEBRUARY 4, 2026
dj/ck