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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1630/2026**

BUDHAN DAS

.....Petitioner

Through: Mr. Aditya, Adv.
versus

**MUNICIPAL CORPORATION OF
DELHI AND ORS.**

.....Respondents

Through: Ms. Puja S. Kalra, Adv. for MCD. (M:
9312839323)
Ms. Vaishali Gupta, Adv. for
GNCTD/R-3. (M: 8383031929)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **05.02.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Budhan Das under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to allow the Petitioner to peacefully vend at his designated spot *i.e.*, on the Footpath, Khirki Main Road, Opposite Lama Medical Centre, Sarai Shahji, Khirki Extension, Malviya Nagar, South Zone, Ward-S-88, New Delhi
3. The Petitioner, who is a street vendor, has filed the present writ petition praying for directions against the Municipal Corporation of Delhi (hereinafter, 'MCD') not to interfere with the peaceful vending being conducted by him in terms of the Certificate of Vending (hereinafter, 'COV'), the details of which are set out as under:



Sl.	Name and address of the Street Vendor	Nature/Type of Vending	Place of Vending	Vending Certificate details
1.	Budhan Das S/o Soman Das R/o 17, Korigama, Ramapur, Nimaithi, Darbhanga, Bihar-847101 presently residing at Delhi.	Food Items.	On the Footpath, Opposite Lama Medical Centre, Khirki Main Rd, Sarai Shahji, Khirki Extension, Malviya Nagar, South Zone, Ward-S-88, New Delhi.	URI No. 4149924. Issued on Date: 06.11.2021.

4. The photograph of the vend has been placed on record by the Petitioner, which is set out below:





5. The vending certificate issued to the Petitioner is in the category of *'Food /Snack with gas cylinder / fire'*.
6. Ms. Kalra, Id. Counsel for MCD has expressed an apprehension that the Petitioner ought not to sub-let the vend.
7. 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.
8. 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.”
9. After hearing Mr. Aditya, Id. Counsel appearing for the Petitioner and Ms. Kalra, Id. Counsel for the MCD and perusing the provisional COV as also the photographs, this Court is inclined to pass the following directions as have been passed in similar matters recently, *i.e.*, in ***W.P.(C) 15082/2025*** titled ***Rajendra Singh v. Commissioner of Police and Ors.*** vide order dated 2nd February, 2026.
10. Thus, in the present petition as well, the Court issues 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;
- 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.
- e) 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.
- f) No permanent or temporary construction shall also be erected by the Petitioner.

11. 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.

12. At this stage, Id. Counsel for the Petitioner submits that MCD has removed the Petitioner and that is the reason for filing the present writ petition. Accordingly, subject to adhering to the above conditions, the Petitioner shall be allowed to continue with his vending activities.

13. The present petition is disposed of in said terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

FEBRUARY 5, 2026/dk/ck