



\$~15

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 20th March, 2026Uploaded on: 24th March, 2026

+

W.P.(C) 1735/2026

MUKESH

.....Petitioner

Through: Mr. Aditya, Mr. Vipin Kumar, Mr. Kailash Kr Jha, Mr. Anjani kr Mishra, Ms. Pralika Chakraborty, Mr. Fareeduddin, Ms. Srejal Mishra

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Puja S Kalra, Standing Counsel with Mr. Virendra Singh, Advocate for MCD.
Ms Vaishali Gupta (Panel Counsel Civil GNCTD), Mr. Kartik Sharma, Advocates

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- Mr. Mukesh under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend from his vending site at foot over bridge, near Mohalla Clinic, Mehrauli Badarpur road, Sangam Vihar, Central Zone, Ward S-85, New Delhi (*hereinafter*, 'vending site')
3. The Petitioner is also seeking release of his goods, which were seized by the concerned officials of the Municipal Corporation of Delhi (*hereinafter*,



‘MCD’) and Delhi police on 22nd January, 2026 and 3rd February, 2026.

4. *Vide* order 12th February, 2026, a status report was called from the MCD. The MCD has now filed the status report. As per the said status report, it is submitted that there is violation of the terms and conditions of the provisional Certificate of Vending (*hereinafter* ‘CoV’). The relevant portion of the said status report reads as under:

“13. That it is also stated herein that in order to ascertain the site position of the petitioner herein at his vending spot at under foot over bridge, near mohalla clinic, Mehrauli Badarpur Road, Sangam Vihar, Central Zone, ward, S-85, the same has also been got inspected through area field staff of Licensing Department of South Zone / Respondent - MCD and during inspection it has been gathered that the petitioner herein is carrying out the trade activity of "food snacks with gas cylinder" by stationing himself at one place, in violation of terms and condition of the COV as issued but also in violation of the provisions of DMC Act 1957. The photographs as taken during the aforesaid inspection are also annexed herewith as Annexure -B 77, for kind perusal of this Hon'ble Court.”

5. However, the status report filed by the MCD is completely quiet about the goods of the Petitioner which have been seized. The photographs filed by the MCD are also extracted below:



ANNEXURE-B

11



6. As against the photographs of the MCD, the Petitioner has filed the following photograph:



7. The Petitioner, who is a street vendor, has been issued a CoV bearing no. URI No. 6759321 by the MCD in the category of '*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 from complying 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. After hearing, Id. Counsel appearing for the parties and perusing the provisional CoV of the Petitioner, 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 and in ***W.P. (C) 1609/2026*** titled ***Rihana v. MCD & Ors.*** vide order dated 5th February, 2026.

11. 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 and shall ensure the presence of a dustbin near the vend;
- 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.

12. 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.

13. Insofar as any goods of the Petitioner which have been seized, the same shall be returned to the Petitioner subject to payment of charges within a period of one week. The charges shall be computed only till 12th February, 2026.

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

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MARCH 20, 2026

Rahul/ck