



\$~52

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

Date of Decision: 19th March, 2026.

Uploaded on: 24th March, 2026.

+

W.P.(C) 3524/2026

RAM PRASAD (DECEASED) THROUGH HIS
DAUGHTER RITA DEVI

.....Petitioner

Through: Mr. Sanjay Baniwal, Ms. Manisha,
and Mr. R.K. Seewal Adv.
(M:8810641307)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Namrata Mukim, Standing
Counsel, MCD with Ms Niharika
Singh and Ms Sakshi Saxena, Advs.
with Mr Kiran Pal, LI, CNZ, MCD.
(M: 9899106515)

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 on behalf of the Petitioner- Late. Shri. Ram Prasad, through his daughter Smt. Rita Devi under Article 226 of the Constitution of India seeking directions to the Municipal Corporation of Delhi (*hereinafter*, 'MCD') to allow Smt. Rita Devi to peacefully vend from the vending site Opposite 427, Bus Stand, Near Nizamuddin Railway Station, New Delhi-110013, Central Zone, Ward- S-55 (*hereinafter*, 'vending site').
3. The brief background of the present case is that, the Petitioner- Late Shri. Ram Prasad was issued a Certificate of Vending (*hereinafter*, 'CoV')



bearing **URI No. 3864468** for Central Zone, Ward-S-55 under the category '**Food/Snack without Gas Cylinder/Fire**'.

4. Thereafter, Shri. Ram Prasad passed away on 29th April, 2021 and since then, his daughter, Smt. Rita Devi has been vending from the vending site.

5. The case of Smt. Rita Devi is that, after the demise of her father, she has been running a mobile vend at the vending site near Nizamuddin area. However, the concerned officials of the MCD are not allowing her to peacefully vend from the vending site.

6. The photograph of the Petitioner's vend attached as **Annexure P-3** in the present petition, has also been placed on record and the same is extracted below:



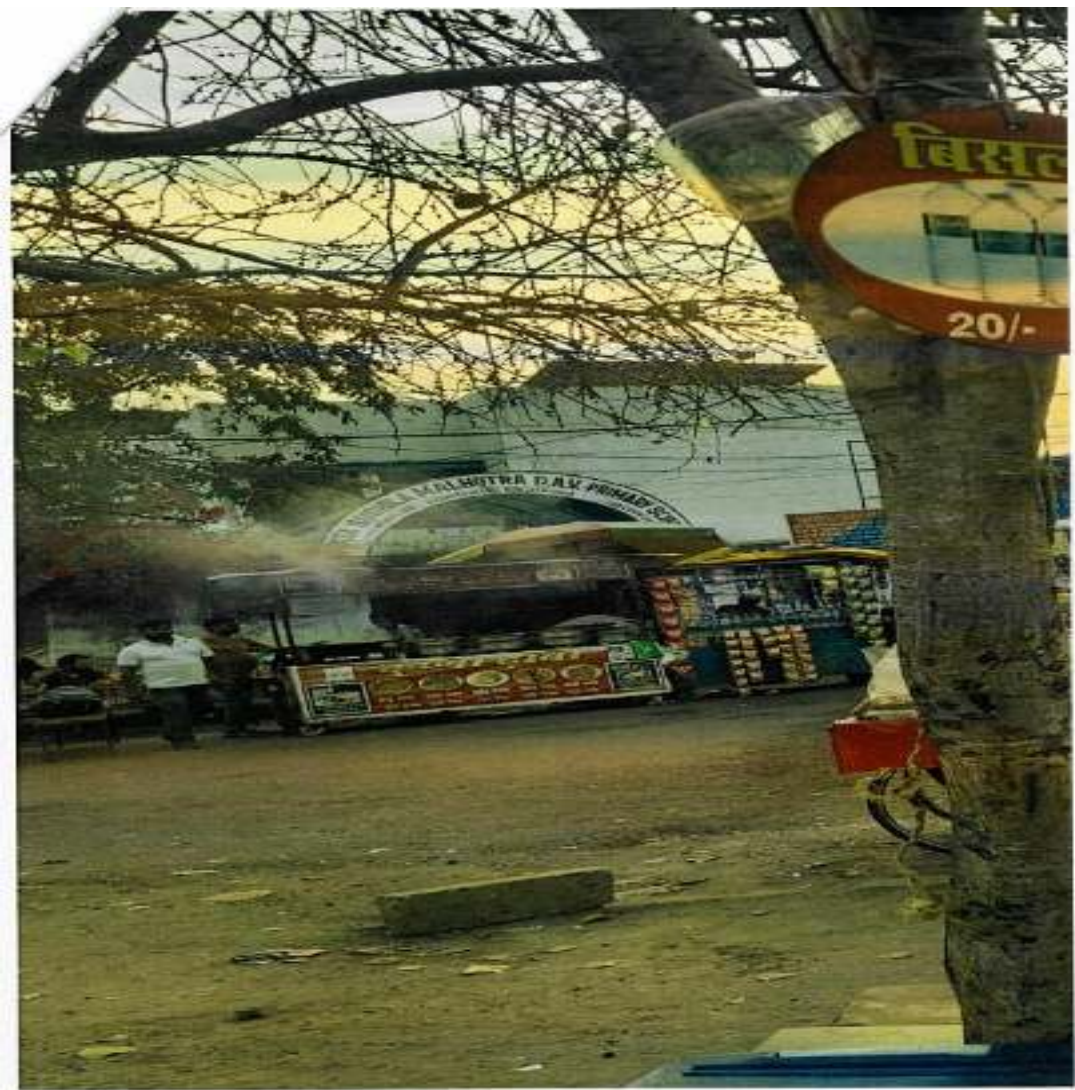
7. Ms. Namrata Mukim, Id. Standing Counsel for MCD submits that there is no material on record to establish that Smt. Rita Devi is the daughter of the CoV holder, namely Late Shri Ram Prasad, inasmuch as no identity proof has been placed on record. She further submits that the provisional CoV appears to have been issued on 7th November 2021, *i.e.*, subsequent to the demise of

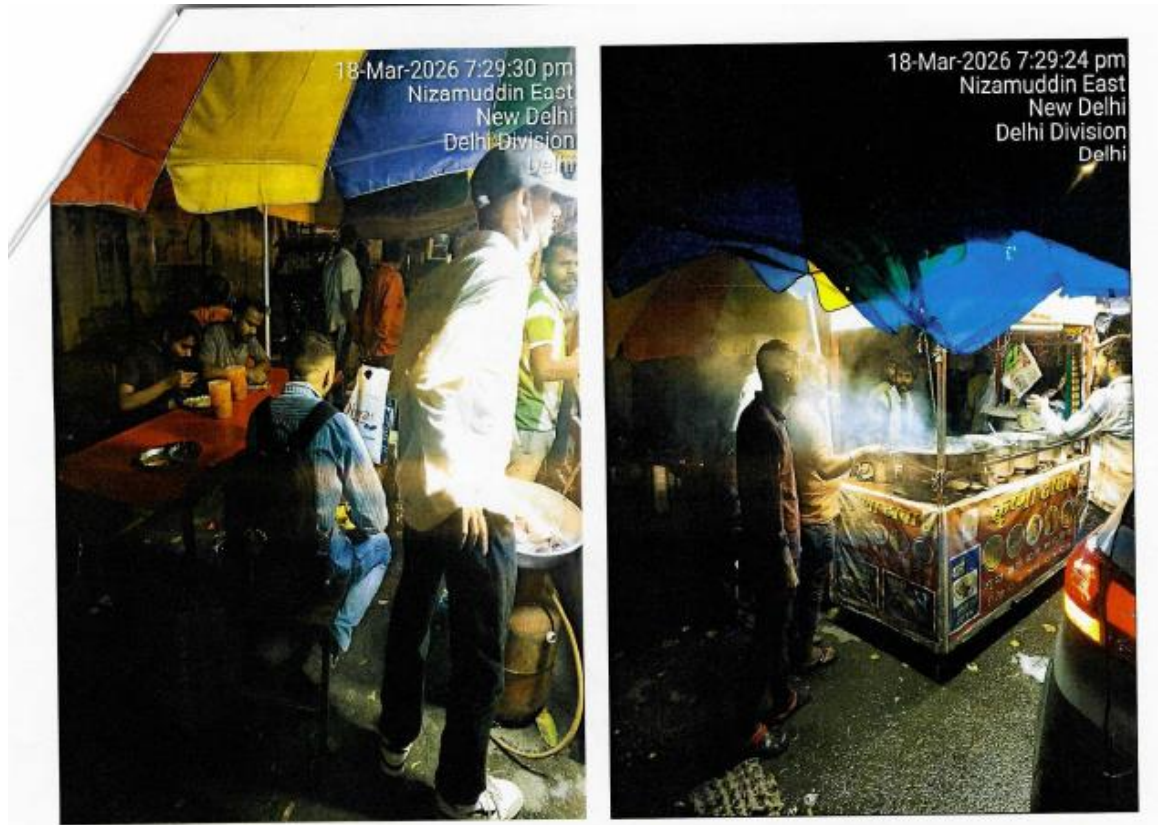


Shri Ram Prasad. Thus, it is submitted that the CoV is void.

8. Ld. Standing Counsel for the MCD has also placed on record certain photographs and a video, which shows that the vend of the Petitioner along with certain other carts are obstructing the entrance of Mata Sushila Malhotra DAV Primary School located in Hazarat Nizamuddin East, New Delhi. Let the video placed on record by the MCD be tagged along with the electronic record of the Court.

9. The photographs placed on record by MCD is extracted hereinbelow:





10. A perusal of the photographs and video placed on record by the Id. Counsel for the MCD would reveal that Petitioner's vend is not a mobile vend. The Petitioner has put up various tables and chairs and is, in fact, running a restaurant, which is completely contrary to the terms and conditions of the *CoV*.

11. Furthermore, Id. Standing Counsel for the MCD submits that the school authorities have also complained that these vends are selling substances including *gutka*, *pan masala* etc., which would be completely impermissible outside a primary school. The complaint filed by the school is set out below:



Charu Madan

Mobile Number: 9811177153

#260314161911290357

General Branch › Illegal Redhi-Patri/
Tehbazari

RESOLVED

Milestone: Action Not Taken

Priority: Normal

14-Mar-2026 11:23 AM

Zone: CENTRAL ZONE

Ward: 142-DARYAGANJ

DESCRIPTION

complaint करके हम तंग आ गए हैं हम बहुत दुखी हो गए हैं आप लोगों को बोल बोलकर की देखिए यहां पर कैसे इलीगल रेडियो स्कूल के सामने कभी गुटका सुना है बिल्कुल स्कूल की दीवार पर वह गुटका बेच रहे हैं पर आप लोग बिल्कुल एक्शन नहीं ले रहे हैं मेरे पास अब आपकी कंप्लेंट्स रिकॉर्ड होती जा रही है जिस दिन मेरे ऊपर स्कूल के ऊपर आएगा कि सामने गुटका दिख रहा है मैं एमसीडी के ऊपर पूरी की पूरी कंप्लेंट्स साड़ी की सारी अपनी कंप्लेंट दिखा दूंगी आपको अब एक्शन लेना पड़ेगा नहीं तो मैं डाल रही हूं उसे पर गवर्नर पर एक लेटर भेज रही है कि हमारे यहां इलीगल रेडी पुत्री का कोई ध्यान नहीं दिया जा रहा मेरी प्रॉब्लम

Signature Not Verified

Digitally Signed
By:DHIRENDER KUMAR
Signing Date:24.03.2026
12:16:16



12. The Court has considered the matter. Serious objection is taken to the photograph filed by the Petitioner on the ground that the same is misleading. The images placed on record by the MCD are quite stark. A perusal of the photographs and videos placed on record by the MCD would show that the vend of the Petitioner is opposite the Mata Sushila Malhotra DAV Primary School.

13. The actual condition of the vend is completely different that what is reflected in the photograph placed on record by the Petitioner which is attached as ***Annexure P-3***, to the present petition.

14. Clearly, the photograph which has been placed on record by the Petitioner is untrue, incorrect and misleading. The photograph has been filed deliberately, to obtain a relief from the Court.

15. This Court has repeatedly emphasized that filing of misleading photographs to show the vend in a proper manner when in reality, the situation is different, would not be condoned by this Court. The same has been reiterated by this Court in ***W.P.(C) 19794/2025*** titled '***Om Prakash v. Municipal Corporation of Delhi and Ors.*** wherein the Petitioner was running a *chole kulche* vend at the Meherchand Market, Lodhi road and was held liable for misleading the Court with '*dressed-up*' images of his vend. The relevant portion of the said order is extracted hereinbelow:

“[...]

9. The photographs given by the Petitioner when compared with the video given by Ms. Mukim, ld. Counsel shows a completely stark difference in the manner in which the Petitioner is operating the vend. The Petitioner is in effect, running a small restaurant itself on the footpath which would be impermissible in terms of the CoV, as the Petitioner



can only be a mobile vendor.

10. Mr. Mishra, Id. Counsel for the Petitioner prays for parity with other similarly placed vendors for whom Condition No. 11 of the CoV has been waived.

11. In the opinion of this Court, the Petitioner ought to have come with clean hands in order to seek relief. The photographs filed by the Petitioner are completely misleading and are contrary to the video which has been produced by the Id. Counsel for the MCD.

XXX

*16. Ms. Mukim, Id. Counsel for the MCD, thereafter, through an official of the MCD has produced the live video of the area, which shows that the place is completely littered with garbage. There are several tables where the customers are eating the food. The entire footpath is completely covered. Half the road in front of the cart is encroached. **It is clear that the photographs filed by the Petitioner are completely deceptive. Relevant images from the live video shown to the Court are as under:***

XXX

*17. Clearly the Petitioner is in violation of various terms and conditions of the Certificate of Vending issued to him. The relief sought is that the Petitioner's peaceful vending ought not to be disturbed – which is a relief that cannot be granted when the Petitioner is in violation of the vending conditions. **Under these circumstances, this Court is not inclined to grant any relief to the Petitioner. The Petitioner is also guilty of having misleading this Court by presenting 'dressed-up' images of his cart/vend when the reality was completely to the contrary.** The petition is dismissed with costs of Rs.*



10,000/- to be paid to the Delhi High Court Legal Services Committee...”

16. Moreover, the manner in which the restaurant is being run is completely contrary to the vending conditions mentioned in the provisional CoV.

17. In view thereof, Smt. Rita Devi is in gross contravention of terms and conditions of the CoV as also the fact that she is not possessing any right under Section 5(2) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the relief sought in the present petition cannot be granted to the Petitioner.

18. Accordingly, MCD shall take action against Smt. Rita Devi in accordance with law, to ensure that the ingress and egress of the Mata Sushila Malhotra DAV Primary School is not obstructed in any manner by the Petitioner's vend as also by any other vends and carts. The other vends and carts which are selling products such as *gutka*, *paan masala*, etc., - that too in front of a school, shall also be removed from the vicinity of the said school, by the MCD.

19. If Smt. Rita Devi wishes to vend in terms of the photograph, which has been placed on record as ***Annexure P-3***, she is permitted to approach the Assistant Commissioner, MCD with a representation, who shall consider the same in accordance with law and an order shall be passed after verifying the credentials.

20. The petition is, accordingly, dismissed with costs of Rs.10,000/- to be deposited by Smt. Rita Devi with the Delhi High Court Legal Services Committee. The said costs shall be deposited within a period of one month and the proof thereof shall be furnished in the Court. If the costs are not deposited, the representations made by Smt. Rita Devi shall not be considered



by the MCD.

21. The bank details of the Delhi High Court Legal Service Committee are as under:

- *Name: Delhi High Court Legal Services Committee*
- *Account No: 15530110008386*
- *IFSC Code: UCBA0001553*
- *Bank and Branch: UCO Bank, Delhi High Court*

22. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

MARCH 19, 2026/dk/sm