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

+ **W.P.(C) 5344/2026 & CM APPL. 26214/2026**

TOSHAR KUMAR

.....Petitioner

Through: Mr Satish Kumar Tripathi with
Petitioner in person.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.Respondents

Through: Mr. Sriharsha Peechara Standing
Counsel for NDMC Mr. Chetanya
Singh ASC, Mr. Soumit Ganguli, Ms.
Ravicha Sharma, Ms. Shruti Agarwal
Mr. Akash Sharma Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **21.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Mr. Toshar Kumar under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend from the vending site at Sarojini Nagar near Shop No. 137, Silver Corner, Sarojini Nagar Market, New Delhi-110023 (*hereinafter*, 'the vending site'), till the time Petitioner's representation is decided in terms of order dated 23rd March, 2026 in **W.P.(C) 3697/2026**.
3. The Petitioner is also seeking release of his goods which were lifted by the concerned officials of the New Delhi Municipal Council (*hereinafter*, 'NDMC').
4. The present petition is the second writ petition which has been filed by



the Petitioner. In the previous petition being **W.P.(C) 3697/2026** titled '**Toshar Kumar v. The Town Vending Committee-Ndmc & Ors.**', the Court considered the petition of the Petitioner seeking substitution of the name of the Petitioner in the Certificate of Vending (*hereinafter*, 'CoV') issued to Petitioner's father. The Court had passed the order dated 23rd March, 2026. The said order reads as under:

"2. The present petition has been filed by the Petitioner- Mr. Toshar Kumar under Article 226 of the Constitution of India, inter alia, seeking directions to the Respondents to decide the representation dated 27th February, 2026 regarding the substitution of the name of the Petitioner in place of his deceased father in the Certificate of Vending (hereinafter, 'CoV')."

3. The brief background of the present case is that the Petitioner is stated to be the son of Late Mr. Narender Kumar, who was surveyed by the Town Vending Committee sometime in 2025. Petitioner's father was found to be an eligible vendor at the site i.e., near Shop No. 137 (Silver Corner) Sarojini Nagar Market, New Delhi - 110023 (hereinafter, 'vending site')."

4. Thereafter, the father of the Petitioner was issued a CoV bearing No. V2025702229."

5. The case of the Petitioner is that his father was vending at the vending site for several years and is stated to have been previously found eligible for a vending certificate in the 'General list' bearing Serial No. 2594 of 3792 as well as in 'SC/ST List' bearing Serial No. 308 of 396, by the New Delhi Municipal Council (hereinafter, 'NDMC'), sometime in 2011-2012."



6. The further case of the Petitioner is that Petitioner's mother passed away on 24th February, 2019 and that his father passed away on 26th January, 2026.

7. Petitioner's father left behind three daughters and two sons. The Petitioner is one of the sons. He has obtained a No-Objection Certificate from the remaining legal heirs of Late Mr. Narender Kumar.

8. Pursuant thereto, the Petitioner made a representation dated 27th February, 2026 to the Town Vending Committee, NDMC to substitute the name of the Petitioner in place of his deceased father in the CoV.

9. Id. Counsel for the Petitioner submits that the grievance of the Petitioner in the present petition is that the TVC, NDMC has not considered the representation of the Petitioner.

10. Further, Id. Counsel for the Petitioner also submits that in the meantime the Petitioner may not be harassed from carrying out his vending activities from the vending site.

11. Mr. Soumit Ganguli Id. Counsel appearing for Mr. Sriharsha Peechara, Id. Counsel for the NDMC submits that the Petitioner has to establish that he is a dependent child.

12. The Court has heard the Id. Counsel for the parties. The case of the Petitioner is that he has been carrying on vending activities at the said vending site along with his father, and upon the demise of his father, he has continued to operate the said vending site.



13. Under Section 5(2) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. The dependent child of the street vendor can be permitted to vend in place of his/her parents. It is on the strength of this provision that the Petitioner prays for relief.

14. In the facts of the present case, let the documents in this matter be verified by the Director Enforcement, NDMC. The Director Enforcement, NDMC shall decide, after verifying all the credentials, whether the Petitioner would be entitled to substitution of his name in place of his father, in terms of Section 5(2) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Thereafter, the representation of the Petitioner for substitution of his name in the CoV shall be proceeded with in accordance with law.

15. Accordingly, the Petitioner shall appear before the Director Enforcement, NDMC on 16th April, 2026 at 11:30 AM. The Director Enforcement, NDMC shall after hearing the Petitioner, decide the representation of the Petitioner within a period of four months. All rights and remedies are left open.

16. If any coercive measures are taken against the Petitioner by the Respondents, the Petitioner is at liberty to approach the Court.”

5. In terms of the above order dated 23rd March, 2026, after considering the entire matter, the Court had directed the Director Enforcement, NDMC to verify the documents and credentials of the Petitioner and consider the representation of the Petitioner for substitution of his name in the CoV of his



deceased father. Further, the Court had also directed the Petitioner to appear before the Director Enforcement, NDMC on 16th April, 2026.

6. The grievance of the Petitioner in the present petition is that, on 9th April, 2026, in a joint raid which was headed by the Joint Director, NDMC, the goods of the Petitioner were lifted by the concerned officials, without any justification and with a warning that he could not be allowed to sit at the vending site, without the permission of the NDMC.

7. Pursuant thereto, the Petitioner is stated to have approached the area inspector seeking release of Petitioner's goods which were lifted in the joint raid. However, Petitioner's goods have not been released. Thereafter, the Petitioner had also approached Store Keeper of the NDMC for release of his goods, however, the same have not been released.

8. Aggrieved by the threatened removal of the Petitioner from the vending site and the inaction of the Respondents in releasing the Petitioner's goods, the present petition has been preferred by the Petitioner.

9. Mr. Sriharsha Peechara, Id. Counsel for the NDMC submits that the Petitioner has extended his wares beyond the permissible vending area *i.e.*, 6x4 feet and has occupied a larger area at the vending site.

10. Further, it is also submitted by Id. Counsel for the NDMC that the verification of the Petitioners' documents, in terms of order dated 23rd March, 2026, is underway and a decision is yet to be taken. It is also submitted that insofar as the seizure of Petitioner's goods is concerned, the same would be released upon payment of requisite *challan*.

11. Heard. The Petitioner is present in Court and upon being queried, he undertakes that he would be vending his wares within the permissible 6x4 feet area only, and would not extend his vending site beyond the said permissible



area. Accordingly, after recording the aforesaid undertaking of the Petitioner, the following directions are issued:

- i. The Petitioner shall approach the concerned store keeper of the NDMC on **22nd April, 2026** and upon making payment of the requisite *challans*, the goods of the Petitioner shall be released to him.
 - ii. The Petitioner shall continue to operate a vend from the vending site, within the permissible 6x4 feet area only and shall not extend beyond the said permissible limit.
 - iii. The Petitioner shall strictly vend in terms of the conditions specified in the CoV bearing No. **V2025702229**.
 - iv. The verification process of Petitioner's documents and credentials, in terms of the order dated 23rd March, 2026, shall also be conducted and a decision shall be taken by the NDMC.
12. The present petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

APRIL 21, 2026/prg/sm