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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 16th April, 2026

Uploaded on: 20th April, 2026

+ **W.P.(C) 11872/2025 & CM APPL. 24494/2026, CM APPL. 24593/2026**

YASHODA DEVI

.....Petitioner

Through: Mr. K.C. Aggarwal, Adv.
versus

MCD THROUGH COMMISSIONER & ANR.Respondents

Through: Mr. Harshit Chopra Standing Counsel
MCD along with Swati Tiwari Adv
and Khushal Chand Agarwal Adv, for
R1 MCD
Ms. Prabhsahay Kaur (standing council
DDA), Mr. Aditya Verma, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by Mrs. Yashoda Devi, who claims to be a vendor in the C-Block, East of Kailash Market, New Delhi, selling fruits and vegetables. The Certificate of Vending bearing no. **URI:2241122** has been issued to the Petitioner under the category of **“fresh fruits/vegetables/perishables”** and the permissible vending zone is specified as Central Zone, Ward S-89. One of the conditions of vending mentioned with the Certificate of Vending is condition no. 11 which is as under:

“11. Mobile vendors shall not stay and shall not



do selling activities more than 30 minutes or time prescribed by TVC at any hawking/vending zone. The vendor shall not stay or do any selling at any non-vending zone.”

3. This is the second writ petition filed by the Petitioner, *inter alia*, seeking a declaration that she is a stationary vendor and not a mobile vendor as specified in her Certificate of Vending. In the earlier round, the Petitioner had filed ***W.P.(C) 1596/2023***, titled ***Mrs. Yashoda Devi v. Municipal Corp of Delhi through Commissioner & Others*** in which vide order dated 8th February 2023 which was directed as under:

“However, learned counsel appearing on behalf of the petitioner limits the relief to a direction to the Municipal Corporation of Delhi to permit her to continue to vend without impediment or hindrance in accordance with the terms and conditions of the vending certificate dated 06.11.2021, issued to her, which is annexed as Annexure P-1.

Learned counsel appearing on behalf of Municipal Corporation of Delhi, on advance notice states that they will permit Mrs. Yashoda Devi to vend at Central Zone, Ward S-89, in terms of the said certificate, however, strictly in accordance with the terms and conditions stipulated therein.

Directed accordingly.

The petitioner prays for and is granted leave to approach the appropriate authorities in accordance with law in relation to prayer Clause II and IV.

Leave and liberty granted.

The petition is disposed of accordingly.”



As per the above order, the Petitioner's stand was recorded that she would vend strictly as per the terms and conditions in the provisional CoV and subject to the same, she would not be disturbed.

4. Thereafter, the Petitioner had filed a Contempt Petition being **CONT.CAS(C) 518/2023**, titled **Mrs. Yashoda Devi v. Mr. Rajpal Singh & Ors.**, in respect of the above order. In the said Contempt Petition, after hearing the parties, the Id. Single judge had disposed of the same *vide* order dated 18th March, 2025 in the following terms:

“10. In the opinion of this Court, Order dated 8th February 2023 merely states that petitioner will be permitted to continue to vend without any hindrance, in accordance with terms and conditions of CoV dated 6th November 2021.

11. Considering the conditions as contained in CoV, petitioner is at liberty to approach the Roster Bench and seek clarification in W.P. (C) 1596/2023, for his purpose.

12. In the meantime, petitioner shall continue to comply with terms and conditions of CoV.

13. It is however directed that considering the advanced age of petitioner, there will be no unnecessary harassment meted out to her either by MCD officials or by respondent no.7, in any manner whatsoever.”

5. Pursuant to the said order passed in the contempt, the Petitioner filed an application in **W.P.(C) 1596/2023**, bearing no. **CM APPL. 27819/2025**. *Vide* order dated 23rd May, 2025 after considering the order dated 8th February 2023, the Court had directed as under:



“5. It is the case of the Petitioner that presently, the Petitioner is being repeatedly disturbed from vending at the vending area, as the shopkeeper of the shop in front of the place where she is vending is an influential person and hence, it is prayed that the clarification with respect to the order dated 8th February, 2023, should be given to the effect that the Petitioner is a stationary vendor and cannot be removed from her vending area.

6. According to Mr. Aggarwal, Id. Counsel for the Petitioner, the opening of the alleged shopkeeper’s shop is also contrary to the by-laws. It is due to the harassment by the said shopkeeper that the Petitioner is forced to file this application.

7. Id. Counsel for Respondent No. 1– Municipal Corporation of Delhi has placed before this Court the photographs of the Petitioner’s vending spot. A perusal of the same would show that the Petitioner has a small wooden table on which she is vending her fresh fruits, vegetables and perishables goods. The certificate of vending has the following conditions attached to it:

सर्टिफिकेट ऑफ वेंडिंग की शर्तें

- 1 विक्रेता को कोई अन्य स्थायी अथवा दीर्घाधि विक्रय प्रमाण पत्र नहीं मिला होना चाहिए।
- 2 विक्रेता प्रमाण-पत्र अहस्तांतरणीय होगा।
- 3 विक्रेता को टीवीसी और स्थानीय निकाय द्वारा निर्धारित विक्रय अवधि और जोन का पालन करना आवश्यक है।
- 4 विक्रेता किसी भी तरीके से विक्रय प्रमाण-पत्र को जैसा भी हो, किराये/पट्टे पर नहीं देगा।
- 5 विक्रेता को वर्तमान में कोई संक्रामक रोग नहीं होना चाहिए।
- 6 विक्रेता द्वारा विक्रय स्थल/जोन तथा समीपवर्ती क्षेत्र में साफ-सफाई रखी जाएगी एवं जनता के स्वास्थ्य का ध्यान रखा जाएगा।
- 7 विक्रेता द्वारा विक्रय स्थल पर विक्रय प्रमाण-पत्र की एक प्रति प्रमुखता से प्रदर्शित करके रखनी होगी तथा आवश्यकता पड़ने पर मूल दस्तावेज टीवीसी/संबंधित निरीक्षक को दिखाना पड़ेगा।
- 8 पटरी विक्रेता द्वारा वे सभी समुचित प्रयास किये जाएंगे कि पैदल चलने वालों और यातायात को किसी प्रकार की बाधा न पहुँचे।
- 9 विक्रेता किसी हानिकारक, खतरनाक और प्रदूषित मदों की बिक्री नहीं करेगा। यह भी सुनिश्चित किया जाना चाहिए कि जनता को बेधे जाने वाले उत्पादों और प्रदूषित सेवाओं की गुणवत्ता निर्धारित जन स्वास्थ्य स्वरूप स्थितियों और सुरक्षा के मानकों के अनुरूप हों।
- 10 पटरी विक्रेता कोई अनाधिकृत/गैर कानूनी गतिविधि नहीं करेगा।
- 11 मोबाइल वैंडर किसी हॉकिंग/वेंडिंग जोन में किसी स्थान पर 30 मिनट अथवा टीवीसी द्वारा निर्धारित समय से अधिक नहीं ठहरेगा अथवा कोई विक्रय कार्य नहीं करेगा। विक्रेता किसी नॉन-वेंडिंग जोन में नहीं ठहरेगा अथवा कोई विक्रय कार्य नहीं करेगा।
- 12 विक्रेता फुटपाथ को ब्लाक नहीं करेंगे तथा सड़कों पर विक्रय कार्य नहीं करेंगे। वेंडिंग कार्ट/स्टालों के सामने फुटपाथ पर पैदल रास्ते का ध्यान रखा जाना चाहिए।
- 13 उल्लंघनों के आधार पर विक्रय प्रमाण-पत्र को रद्द अथवा निलंबित किया जा सकता है।
- 14 विक्रेता द्वारा विक्रय स्थल पर किसी प्रकार का स्थायी/अस्थायी ढांचे को खड़ा/निर्माण कार्य नहीं किया जायेगा।
- 15 विक्रेता को स्थानीय कानून एवं न्यायालयों के आदेशों के अनुरूप स्वास्थ्य एवं स्वास्थ्यप्रद स्थितियों को अपनाना होगा।
- 16 विक्रेता को दिल्ली सरकार द्वारा दिल्ली पटरी विक्रेता आजीविका संरक्षण और पटरी विक्रय दिनिदमन स्कीम 2019 में उल्लेखित सभी शर्तों का पालन करना होगा।

8. In terms of the above stated conditions, the Petitioner is not permitted to claim that she is a stationary vendor. In fact, it is the position of Respondent No. 1—Municipal Corporation of Delhi that permanent certificates of vending are yet to be issued to vendors as the survey of the Town Vending Committee is still ongoing and no such certificates are issued to any vendors.

9. One of the conditions in the vending certificate is



that she would be a mobile vendor and she cannot put up any permanent structure. Under such circumstances, in the opinion of this Court, the only relief that the Petitioner would be entitled to is that so long as she adheres to the terms and conditions in the certificate of vending, she would not be disturbed. This relief is also the exact relief which has already been granted in her favour vide order dated 8th February, 2023.

10. The Petitioner would have to ensure that she does not hamper the pedestrian movement at the vending area.

11. Accordingly, the application is disposed of in terms of the order dated 8th February, 2023 and no further relief is liable to be granted.”

6. As can be seen from the above, in all the three orders the Court has repeatedly recognised the fact that the Petitioner is a mobile vendor and that she is not a stationary vendor. Accordingly, subject to her complying with the conditions of the provisional Certificate of Vending, the Petitioner was free to continue the vending activities and would not be disturbed.

7. Despite the above orders, the present Writ Petition has now been filed seeking almost exactly the same relief i.e., declaration that the Petitioner is a stationary vendor. However, the order dated 23rd May, 2025 passed in **CM APPL. 27819/2025** in **W.P.(C) 1596/2023**, has been cleverly concealed by the Petitioner.

8. For the sake of completeness, the prayer sought in this Writ Petition is as under:-



“I. Directing the Commissioner of Police and Commissioner of MCD to remove the barricades with immediate effect and free the petitioner, her family members and her vending goods from confinement at the vending site.

II. Permitting the petitioner to remove the said barricades if there is delay by MCD/ Police and to remove the same if barricades are put again.

III. Directing the Commissioner of MCD with Commissioner of Police to take immediate action to close the back side illegal opening of Shop no. 1,2 and 3 at East of Kailash Market to remove the cause of dispute and put to quietus the reason or the illegal motive for causing continuous and day to day harassment to the petitioner.

IV. Declare that the petitioner is a stationary vendor unless otherwise held by any court.

V. Directing the Commissioner MCD and Commissioner Police to issue and enforce appropriate directions to the officials not to put any hurdles or take away any articles of the petitioner unless there are written orders of any court or Competent Authority under the law and further directing to return the illegally seized items or pay back their value and fix responsibility for the violation of law already committed and harassments already caused.

VI. Directing the MCD to write appropriate letter to BSES Rajdhani Power Ltd. with Copy of the petitioner for withdrawing their earlier letter for removal of and immediate release of electric Connection vide K No. 350804775.”



9. It is the case of the Petitioner that she is a stationary vendor and that the MCD and police officials had illegally confined the Petitioner by placing barricades around her vend. The Petitioner has been heard and the petition has been considered on several dates. In the first order passed on 7th August, 2025, the barricades placed around the Petitioner's vend were directed to be removed on the strength of the order dated 8th February, 2023 passed in the first round of litigation. However, it is observed that, at that stage, the predecessor Bench of this Court did not have the benefit of the order dated 23rd May, 2025 passed in the **CM APPL. 27819/2025** in **W.P.(C) 1596/2023** as the same had not been placed on record. It was on the basis of the earlier order, dated 8th February 2023 that the barricades were directed to be removed. Thereafter, the matter has been heard from time to time.

10. The Court has heard Mr. K.C. Aggarwal, Id. Counsel for the Petitioner in detail. The basic contention of Mr. Aggarwal, Id. Counsel is that the Petitioner is not a mobile vendor, as specified in her Certificate of Vending, and that she is a stationary vendor. It is argued that the Petitioner has been working in the East of Kailash 'C' block market for the last 40 years.

11. The Court has also heard the Id. Counsel for the MCD and Id. Counsel for the private Respondents who are the shopkeepers in the subject market.

12. A perusal of the photographs placed on record, would show that the Petitioner has created a stationary vend which occupies a substantial space of the pavement in the subject market. The relevant photographs filed in the Petition are set out below:



2026:DHC:3240-DB



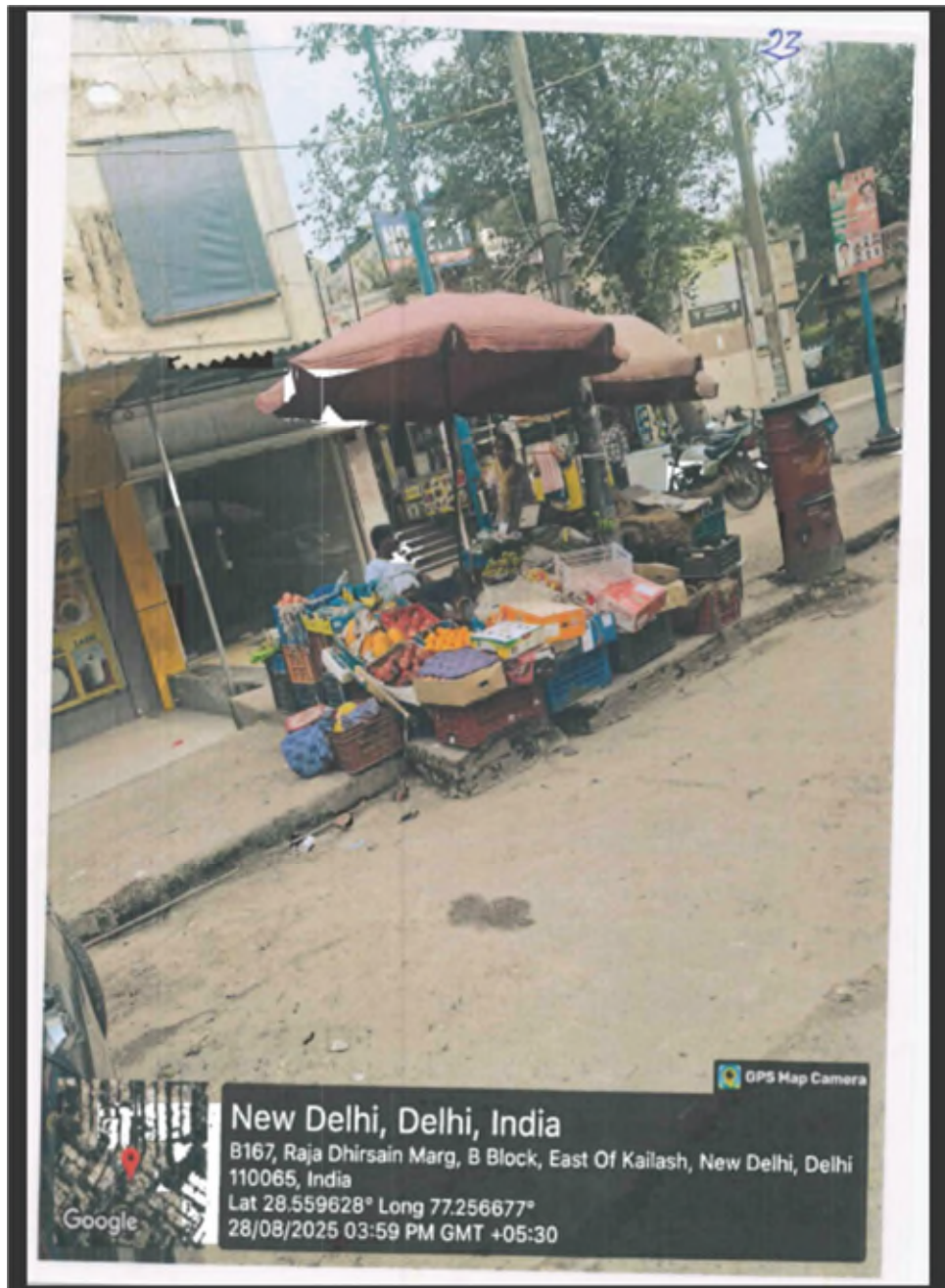


2026:DHC:3240-DB





2026:DHC:3240-DB





13. The Respondent No. 3 and Respondent No. 4 have also handed over certain photographs to show that during the day there are few trays which are kept by the Petitioner but at night a larger portion of the pavement is occupied by the Petitioner.

14. Be that as it may a perusal of the photographs filed by the Petitioner



and by the Respondent/shopkeepers shows one thing *i.e.*, that the subject vend of the Petitioner is not a mobile vend, and in fact it is a stationary vend where the petitioner and her son are sitting in one place and vending fresh fruits and vegetables. However, in terms of the provisional Certificate of Vending issued to the Petitioner this would not be permissible. In fact, the Petitioner ought to have fairly disclosed all the orders which were passed by this Court in the earlier Writ Petitions which the Petitioner failed to do.

15. At this stage, Mr. Aggarwal, Id. Counsel for the Petitioner submits that due process ought to be followed and the Petitioner ought not to be disturbed as the Srinivaspuri, Ward is a huge ward covering East of Kailash, B-Block, C-Block, Friends Colony, Okhla etc., and therefore, the Petitioner is permitted to vend in East of Kailash C-Block Market.

16. In the opinion of this Court, this submission is completely bereft of any merit. A perusal of the list of vendors which has been attached in the reply of the Respondents No. 3 to 5, would also show that specifically the Petitioner is recognised as a vendor in Srinivaspuri Ward No. 68, Delhi. The said document is stated to have been accessed from the website of MCD. The entry in respect of the Petitioner reads:

S No	URI Number	Ward	Area	Name of Vendor	Sex	No of Years Vending	Type of Vending	Phone Number	Whether widowed or widower	34 Permanent Address	Name of Vending Site	Recognized as Street Vendor	Date of start of vending activity	Tehbazari Available	Survey Created At	Aadhaar Verified	Supporting Documents
46	2241122	S-89	SRI NIWAS PURI	Yashoda Devi	Female	40	Fresh Fruits/Vegetables/Perishables	9599363747	No	NA, House no. T1/4, NA, Srinivaspuri, 110065	Srinivaspuri ward no 68 delhi	No	12-03-1983	No	12-03-2021 16:45	Verified	

It is clear from the same that the Petitioner is not recognised as a vendor in any particular market or on any particular street or with respect to any specific landmark for example there are other vendors who have vending sites which are specifically mentioned as - Near Iskcon Temple; Garhi Main Market;



Amritpuri near Iskcon Temple; East of Kailash C-Block Market etc.

17. The Petitioner having been recognised only as a mobile vendor in the whole ward of Sriniwaspuri and the same having been also specified in her provisional certificate of vending, as also the fact that three different orders have been passed reiterating this position, at this stage the Petitioner cannot be recognised as a stationary vendor. The Petitioner is required to comply with the terms and conditions of the vending certificate which specifies her to be a mobile vendor requiring that she should not vend at any particular spot for more than 30 minutes.

18. Mr. Aggarwal, Id. Counsel for the Petitioner also submits that the Petitioner has filed a civil suit in this respect of whether she is a stationary vendor or not. The Court is not going into the merits of the civil suit, however, the provisional certificate of vending being clear, it categorically shows that the Petitioner is a mobile vendor, and she cannot be permitted to be recognised as a stationary vendor.

19. The submission of Mr. Aggarwal is that this issue has not been adjudicated as to whether the Petitioner is a stationary or a mobile vendor - the said adjudication would not be required as the Petitioner's provisional certificate of vending itself states clearly that she is a mobile vendor.

20. In view of the above and considering that the barricades around the Petitioner's vend have been removed, in the opinion of the Court no other relief is liable to be granted. The Petitioner shall abide by the terms and conditions of the provisional Certificate of Vending, including Condition No. 11, which requires her to not vend from any particular spot for more than 30 minutes.

21. The MCD and the police shall take appropriate action to ensure that the



Petitioner does not operate as a stationary vendor.

22. Further, in view of the clever concealment of the order dated 28th May, 2025 by the Petitioner by not filing the same although it had the duty to do so, a cost of Rs. 20,000/- is imposed upon the Petitioner to be deposited with the Delhi High Court Legal Services Committee. The account details of the same are as under:

Name : Delhi High Court Legal Services Committee

A/c No. : 15530110008386

Bank : UCO BANK

Branch : DELHI HIGH COURT

IFSC : UCBA0001553

23. Insofar as the encroachments by any other shopkeepers in the corridors of the East of Kailash market are concerned, the MCD is free to take action against the concerned shopkeepers and remove any encroachments by the shopkeeper in this regard.

24. The Asst. Commissioner, Dr. Rajiv Nayan is present in Court and has undertaken to give effect to this order passed by this Court.

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

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 16, 2026/prg/msh