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

Date of Decision: 24th April, 2026

Uploaded on: 26th April, 2026

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W.P.(C) 16625/2024

SH SANJAY GUPTA & ORS.

.....Petitioners

Through: Mr. Sanjay Padam Jain, Adv.
versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Ms. Shilpa Ohri Additional Standing
Counsel, for MCD.

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 Petitioners under Articles 226 and 227 of the Constitution of India, *inter alia*, seeking directions to the Respondents to not dispossess the Petitioners from the designated sites near Keshav Puram, Netaji Subhash Place, behind Max Hospital, Pitampura, New Delhi as also NSPD-Mall Complex, Pitampura, New Delhi.
3. The Petitioners claim to be *Tehbazari* holders at the designated sites.
4. The stand of the Municipal Corporation of Delhi (*hereinafter*, 'MCD') is that the areas near Keshav Puram, Netaji Subhash Place, behind Max Hospital, Pitampura, New Delhi as also NSPD-Mall Complex, Pitampura, New Delhi are non-squatting areas. The Petitioners had earlier applied for issuance of Certificates of Vending (*hereinafter*, 'CoV'). However, the *CoVs* which have been issued permit them to vend only in squatting and vending



areas and not in non-squatting/non-vending areas.

5. On 10th March, 2026, the Court had considered the affidavit of the MCD collating a list of the squatting and vending places in the said area, which was provided to the Petitioner. However, no rejoinder has been filed in this regard. Further, it was also noted on behalf of the MCD that a survey was conducted in 2014, and the COVs were issued to the Petitioner, subject to the condition that they would not squat in non-squatting/non-vending zones and areas.

6. Thereafter, the matter was heard on 19th March, 2026, wherein the MCD's stand was categorical that the Petitioners would not be permitted to vend at the site where they are presently operating, as it is a No-vending zone. On the said date, there was no interim order issued, granting any protection to the Petitioners. Therefore, the MCD had started taking steps to remove all the vendors.

7. Further, on 19th March, 2026 the Court had also directed the Petitioners and the licensing inspector of MCD to place on record the photographs of the concerned vends of the Petitioners.

8. Thereafter, the matter was taken up for hearing on 30th March, 2026, and photographs had been produced by Id. Counsel for the MCD. The Court had perused the photographs and it was observed that there were a number of violations. *Vide* order dated 30th March, 2026, it was observed that the said photographs revealed the following:

“[...]

6. The Court has also perused the photographs handed over by the Id. Counsel for the MCD which reveal the following:-



- i) Several vendors have created pakka structures;
- ii) The vendors are not mobile vends and, therefore, there is complete violation of the vending terms and conditions of Certificates of Vending (hereinafter, 'CoVs').
- iii) Hygienic standards are also not being maintained.
- iv) The manner in which the vends are being operated would show that there is no proper pathway, road or even a floor which exists and these vends are put up on Malba, which is also unhygienic and is also an encroachment.
- v) The vends are being operated right next to the commercial complex and the mall, which would be impermissible as per law."

9. Considering the aforesaid position, this Court had on 30th March, 2026 directed as under:

"8. As per the MCD's list which has been handed over, the following are the vending areas in the said vicinity:-

- Narang Colony, JE.s store to fountain park
- B Block, Lawrance Road Indl. Area around MCD Park
- C Block, Lawrance Road Indl. Area around MCD Park
- A Block, Lawrance Road Indl. Area around MCD Park
- Back side of C Block Petrol Pump on Nala of Lawrance Road
- MCD Park opp A-1, market, Lawrance Road. 3
- Block, Shakurpur JJ Colony, Near Ravi dass Camp
- Shakurpur Anand Vas on foothpath near Primary School
- Shakkurpur E Block, near Smrat Cinema



- Shakkurpur H & I Block, near Ambedkar Park.
- Opp. EU 32 (in CU Block) footpath, Pitam Pura
- CD Block Pitampura from Ram Mandir to Park Corner
- SU Block near Park Boundary, Pitam Pura
- Near RU Block Park B/Wall Pitampura”

9. Accordingly, let all the Petitioners who have filed the present petition appear before the Assistant Commissioner, MCD, Keshav Puram Zone on 6th April, 2026 at 11.30.AM at Near Todalram Park, MCD Keshav Puram.

10. The Assistant Commissioner, MCD after interacting with the Petitioners shall then file a status report and indicate as to which area the Petitioners can be shifted to.

11. List for filing the status report of the Assistant Commissioner, MCD on 24th April, 2026 in the supplementary list.”

10. As per the above order, this Court had directed the Petitioners to appear before the concerned Assistant Commissioner, MCD. The Assistant Commissioner had to interact with the Petitioners and a status report had to be filed stating as to where the Petitioners could shift.

11. Today, a status report on behalf of Mr. Sanjay Gupta, Assistant Commissioner, MCD has been placed on record. In terms of the status reports, the Petitioners were directed to shift their vending activities to the vending area, particularly at A-Block, Lawrence Road Industrial Area, New Delhi-110035 around the MCD park. However, the Petitioners have refused



to shift to the said area and they wish to continue to vend in the area near Netaji Subhash Place, Pitampura, New Delhi, which are non-vending areas.

12. Thereafter, letters which were issued to the Petitioners by the MCD, have also been placed on record and the said letters were also pasted on the respective vends of the Petitioners. However, as per the Assistant Commissioner, the Petitioners have refused to shift from the Non-vending areas.

13. Ld. Counsel for the Petitioners have also been heard. The stand of the Petitioners is that there is no footfall in the A-Block, Lawrence Road Industrial Area, New Delhi-110035 around the MCD park, and hence the Petitioners are not willing to shift to the said area.

14. The Court has considered the matter. The nature of all the CoVs would show that the Petitioners have to operate as mobile vendors. They were not entitled to put up *pakka* structures and operate in a non-hygienic and unclean manner.

15. Further, the Netaji Subhash Place complex being a non-vending zone, none of the Petitioners or any of the other vendors, who are operating in the said area are permitted to continue their vending over there.

16. The vendors, however, have been asked to move to an alternate area to vend as mobile vendors, which is A-Block, Lawrence Road Industrial Area, New Delhi-110035 around the MCD park. Another vending area which is also available is also near Shakurpur, E-block near Samrat Cinema. The Petitioners' counsel states that in the Shakurpur area the foot-fall is better and the Court could consider permitting them to vend in the said area.

17. The Petitioners who hold *provisional* CoVs are permitted to vend in these areas, as per the terms and conditions of the CoVs. The Petitioners



would not be permitted to continue in the non-vending zone where they are presently vending *i.e.*, the Netaji Subhash Place complex.

18. So long as the Petitioners continue to adhere to the terms and conditions of the CoVs, they are at liberty to vend in the A-Block, Lawrence Road Industrial Area, New Delhi-110035 around the MCD park or area near Shakurpur, E-block, Samrat Cinema. This shall be subject to the condition that they do not cause any traffic congestion and also maintain cleanliness and hygiene as mobile vendors in the said area.

19. Accordingly, the Petitioners are permitted to remove their vends by 27th April, 2026 from the Netaji Subhash Place complex.

20. If they fail to do so, the MCD is at liberty to remove all the vendors from the said areas. No obstruction shall be caused by any of the vendors, in doing the same.

21. The SHO concerned shall assist the MCD officials in removing the vendors from the Netaji Subhash Place complex.

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

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

APRIL 24, 2026/dj/sm