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

+ **W.P.(C) 18937/2025**

MOHD NAIEM

.....Petitioner

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

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Mr Rohit Kathuria & Mr Harshit Sharma, Advs. for MCD (8800973281)
Mr. Rishabh Sahu, SPC with Mr. Sameer Sharma, Mr. Karan Malhotra and Mr. Vikash Chauhan, Advs. (8860529103)
Ms. Vaishali Gupta & Ms. Ishita Gupta, Advs. for R-5 (8383031929)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **13.01.2026**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Mohd Naiem under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to allow the Petitioner to peacefully vend from the designated spot near Kashmere Gate.



3. Additionally, the Petitioner is also seeking an appropriate writ directing Respondent No.3 - Town vending Committee (*hereinafter*, 'TVC') to conduct the survey of the Petitioner.
4. A brief background of the Petitioner's case is that, the Petitioner is a specially abled street vendor with 41% locomotor disability. He has been peacefully vending Fast food and food items, including water bottles, cold drinks and other snack items etc., at the vending site *i.e.*, on the footpath, Lothiyan Marg, near Kashmere Gate Metro Station Gate No. 7, ISBT Kashmere Gate, City-SP Zone, Ward- 83-N, New Delhi (*hereinafter*, 'vending site'). According to the Petitioner, he has been vending at the vending site since the year 2000.
5. Ld. Counsel for the Petitioner submits that the Petitioner is being unnecessarily harassed by the officials of Municipal Corporation of Delhi (*hereinafter*, 'MCD') and Delhi Police and no survey has been properly conducted by the TVC.
6. Further, the Petitioner relies upon a letter of recommendation dated 13th December, 2020 issued by the Ministry of Housing and Urban Affairs under the *PM Street Vendor's AtmaNirbhar Nidhi Scheme* (*hereinafter*, 'LoR') to argue that he has a right to not be disturbed and that he should at least be permitted to participate in the survey.
7. Ld. Counsel for the MCD submits that the Petitioner is vending at a Non-vending zone and therefore, he cannot be permitted to participate in the survey.
8. Heard. The Court notices that there is no provisional Certificate of Vending which has been issued to the Petitioner. The Petitioner is a specially abled person with 41% locomotor disability. The Court has also perused the



photographs from the vending site and the disability certificate dated 28th January, 2025.

9. In these facts, the only direction that the Court is inclined to pass is that the TVC which is surveying the Kashmere Gate area shall consider the case of the Petitioner and permit him to participate in the survey. Thereafter, the TVC shall proceed in accordance with law.

10. The petition is disposed of in the aforesaid terms.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 13, 2026

kk/sm