



2026:DHC:2101-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 12th March, 2026******Uploaded on: 17th March, 2026***+ **W.P.(C) 19794/2025 & CM APPL. 82674/2025****OM PRAKASH**

.....Petitioner

Through: Mr. Kamlesh Kumar Mishra, Ms.
Renu, Mr. Swagat and Ms. Mansi,
Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Namrata Mukim, SC, MCD with
Ms. Niharika Singh and Ms. Sakshi
Saxena, Advs. for MCD
Mr. Anubhav Tyagi, SPC with Mr.
Partha Sharma, Adv. for R3 & R4.**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 Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend at his designated spot *i.e.*, Meharchand Market, Lodhi Road, under the name of '*Chauhan Ji Chole Bhature, Harijan Camp, Delhi Civil Lines, Central Delhi-110003*'.
3. The background of this case is that the Petitioner is stated to be a street vendor at Meharchand Market, Lodhi Road, running a vend under the name



of ‘Chauhan Ji Chole Bhature Harijan Camp, Delhi Civil Lines, Central Delhi-110003’. It is his case that he has been vending since 2005. The further case of the Petitioner is that he is also registered with the UDYAM, a scheme run by the Ministry of Small and Medium Enterprises (hereinafter, ‘MSME’). A Certificate of Vending (hereinafter, ‘CoV’) has been issued to the Petitioner bearing URI No. 9808109 under the category ‘Food/ Snack with gas cylinder/ Fire’. The Petitioner has other registrations under Food Safety and Standards Authority of India, etc., including challans issued by the Municipal Corporation of Delhi (hereinafter, ‘MCD’).

4. The case of the Petitioner is that he had to make representations in December, 2025 as he was being harassed by the officials of MCD and the Delhi Police. Rights under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 are being claimed by the Petitioner.

5. The Court had, *vide* order dated 24th December, 2025, granted the last chance of four weeks, considering the photographs which were filed by the Respondents. The relevant portion of the said order reads as under:

“At the request of counsel for petitioner, we grant 4 weeks’ time by way of last chance.

2. Photographs handed up by counsel for respondent are taken on record, copies of the same has been made available to counsel appearing for petitioner ”

6. On 2nd February, 2026, early hearing was sought which was rejected.

7. Today, photographs of the Petitioner’s vend have been presented by Mr. Mishra, Id. Counsel for the Petitioner which are extracted below:



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8. On the other hand, Ms. Mukim, Id. Standing Counsel for MCD, has produced a video as of this morning which shows complete encroachment of the footpath by the Petitioner by adding additional tables in the side and in front of the cart and by allowing parking of vehicles in front of his cart in a manner so as to obstruct vehicular traffic and pedestrians' pathway.

9. The photographs given by the Petitioner when compared with the video given by Ms. Mukim, Id. 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.

12. The Petitioner appears to have deliberately removed the side table and the front tables before clicking the pictures, whereas, the live vend which is being run in the video makes it clear that the Petitioner has encroached upon a much larger portion of the area.

13. This Court has repeatedly emphasized that persons who are vending and holding *Tehbazari* licences or CoVs, have to maintain cleanliness and cannot encroach upon public roads and public pathways in the manner as is



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being currently done.

14. The Petitioner is one such vendor who has completely violated all the conditions which are imposed in the CoV.

15. Mr. Mishra, Id. Counsel for the Petitioner has sought to raise a doubt to the video, which was produced by the MCD.

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:



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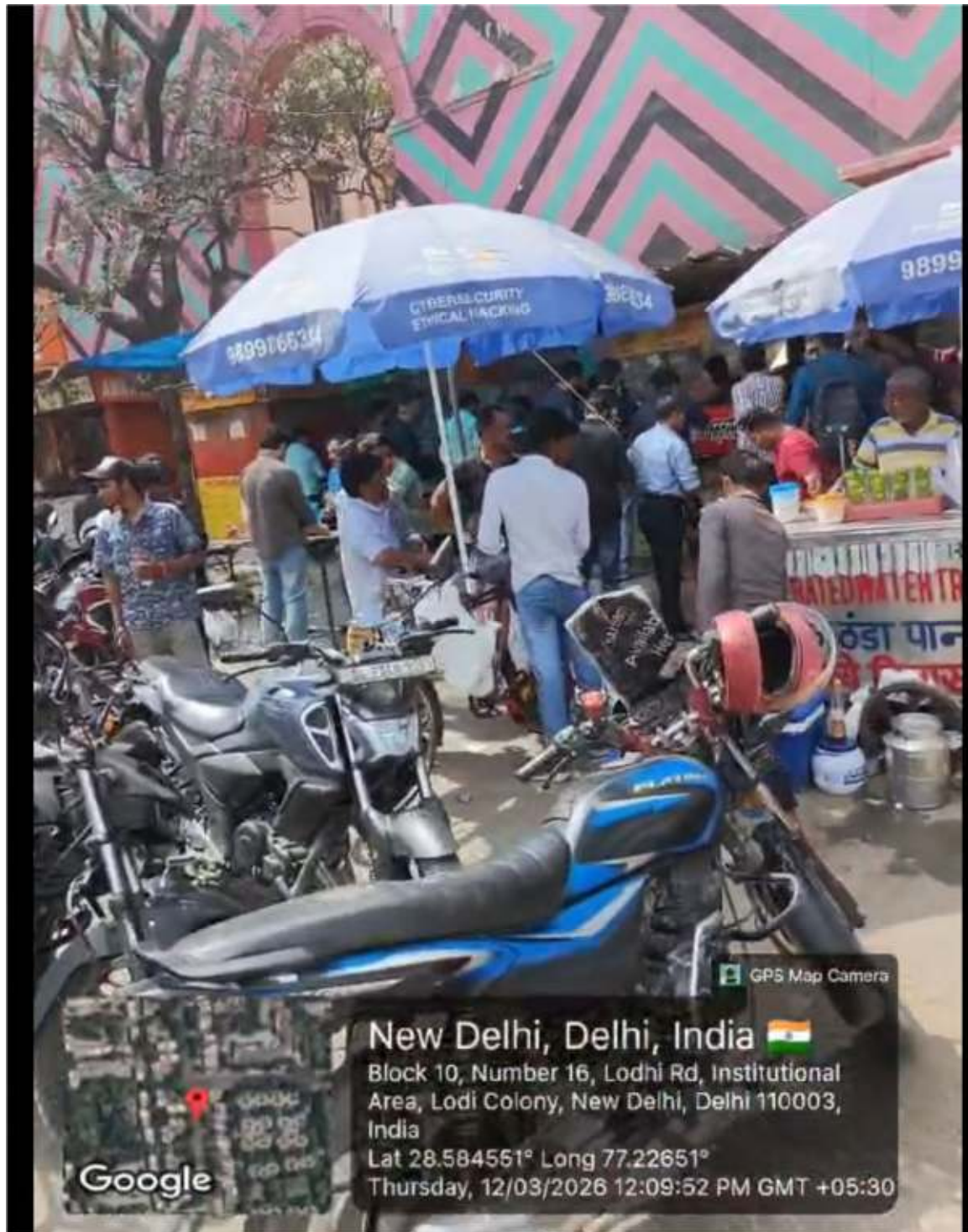
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17. Clearly the Petitioner is in violation of various terms and conditions of the Certificate of Vending issued to him. The relief sought is that the Petitioner's peaceful vending ought not to be disturbed – which is a relief that cannot be granted 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. 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***

18. The MCD is free to take action against the Petitioner in accordance with law.

19. The video, which was shown to the Court and the live video, shall be submitted to the Court Master and the same shall be tagged with the electronic record of the Court, by the Registry.

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

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MARCH 12, 2026/b/ck