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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 10th September, 2026**Uploaded on: 14th September, 2026*# **CNR No. DLHC010321052026**+ **W.P.(C) 10020/2026****SUDHIR KUMAR JHA**

.....Petitioner

Through: **Mr. Aditya, Adv.**

Versus

**CHAIRMAN, TOWN VENDING COMMITTEE
AND ORS**

.....Respondents

Through: **Mr. Sidhant Nath, SC with for MCD
Mr. Bhavishya Makhija, Mr. Aman
Khan, Mr. Parmeshvar Dayal
(Licence Inspector) MCD.
SI Dharampal, Traffic Police (Mob.
No.9667688616)
Mr. Varun Chugh, SPC, Mr. Shagun
Shahi Chugh SPC, Ms. Ayushi
Agarwal, Advs. along with Inspector
Surendra Kumar TI Mayur Vihar,
Akash Chandrayan , GP for R-2,4,5
Ms. Vaishali Gupta, Panel Counsel
(Civil) GNCTD, Ms. Rashi
Aggarwal, Advocates for R-6.**

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE VIKAS MAHAJAN****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.



2. The present petition has been filed by the Petitioner *inter alia*, seeking directions to the Respondents to issue the Certificate of Vending to Petitioner and allow the Petitioner to peacefully vend from the vending site *i.e.*, On the Footpath, Noida Link Road, Opposite Akshardham Metro Station, Shahdara South Zone, New Delhi (*hereinafter*, 'the vending site').

3. The Petitioner is also seeking release of the goods which were seized by the Traffic Police officials.

4. On 23rd July, 2026, the Court, while noting that the Petitioner is a 90% disabled street vendor and is stated to be vending from the vending site for several years, had made the following observations:

"7. A perusal of the photograph makes it clear that the Petitioner is a disabled person.

8. However, he is also not maintaining cleanliness around the vend. This would be contrary to terms and conditions of the CoV.

9. In any event considering his disability and taking a compassionate and empathetic view, the concerned officials of the Delhi police are directed to return his goods immediately, within 24 hours.

10. In addition, ld. Counsel for the MCD shall obtain instructions as to the location where the Petitioner can carry on vending, in a manner that does not obstruct the entry and exit of the Akshardham metro station."

5. As stated above, the Petitioner is suffering from 90% locomotive disability. It is his case that he is presently not being allowed to peacefully vend from the vending site.

6. As directed by the Court on 23rd July, 2026, the case of the Petitioner was to be dealt with compassionately and a direction was issued to the ld. Counsel for the MCD to obtain instruction as to the location where the



Petitioner carried out vending.

7. Today, Id. Counsel for the MCD – Mr. Sidhant Nath submits that the MCD is unable to allot a fixed site to the Petitioner, as he has to be a mobile vendor.

8. Moreover, it is submitted that the Delhi Police has also had an objection with Petitioner vending at the concerned area as the vend of the Petitioner is presently located in the area which falls under the National Highway Authority of India (NHAI) and the area is a non-vending zone. It is also submitted by Id. Counsel that there is a heavy traffic movement on the said road.

9. Id. Counsel for the Petitioner, however, has identified a vend outside the Commonwealth Games Village Sports Complex where earlier, a government vend used to run.

10. Heard. It is not up to this Court to decide as to where the vend of the Petitioner should be located.

11. The TVC-II elections have now been concluded and the list of nominated/ designated members is awaited to be confirmed.

12. Hence, once TVC-II is constituted, they can take a decision on how vendors who have disabilities are to be treated.

13. Recently, this Court has dealt with another matter where the Petitioner was visually disabled and had filed a petition seeking directions to be permitted to peacefully vend at his vending site. In the said case, being *W.P. (C) 11073/2024* titled *Bharat Bhushan v. MCD & Anr.*, the Court directed TVC-II to consider the issue pertaining to providing reasonable accommodations to specially abled persons in accordance with Rights of Persons with Disabilities Act, 2016. Relevant portion of the order dated 31st



July, 2026 passed in *Bharat Bhushan (supra)* is as under:

*“5. Considering the provisions of the Rights of Persons with Disabilities Act, 2016, **let MCD take a decision as to whether persons who have visual impairment, as is the case of the Petitioner herein, or some other disabilities would be required to be given reasonable accommodation.***

*6. This would be a Policy decision to be taken by the MCD, bearing in mind the provisions of the Rights of Persons with Disabilities Act, 2016, as also the judgment of the Supreme Court requiring the reasonable accommodation to be given to persons with disabilities in *Rajive Raturi v. Union of India* [(2018) 2 SCC 413].*

*7. Further, the Supreme Court in *Vikash Kumar v. UPSC & Ors.* [2021 SCC Online SC 84] has also held that the State, as also the private parties are mandated to provide reasonable accommodation to persons with disabilities.*

8. Since the TVC-2 elections have also been scheduled to be held in August, 2026, let this matter be placed before the TVC-2 within 2 weeks after its constitution.

9. The appropriate official of the MCD, along with TVC-2 shall take a decision in this regard and shall file a status report.”

14. Under the Rights of Persons with Disabilities Act, 2016, reasonable accommodation has to be made for such vendors who suffer from disability. Sections 20 & 21 of the Act, that provide for such equal opportunity policy to be mandated in government establishments read as under:

“20. (1) No Government establishment shall discriminate against any person with disability in any matter relating to employment: Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by



notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

21. (1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.”

15. This position is also recognized in the Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2015 itself, wherein Clause 6.2 provides as under:

“6.2 The other categories of persons for preference for



issue of certificate of vending:

*Preference in issue of COV may be given to the following categories:_(6.2.1) **Persons with Disability:***

Allotment of 3% of the vending sites In all categories.

the preference allotment of 3% in above category shall be available on production of Disability Certificate (with photograph) issued by Competent Govt. Medical Authorities as defined in the relevant Act in force.

(6.2.2) Women: 30% of vending sites in all categories.

Preference to Widows shall be given case to case basis.”

16. When a person has a locomotor disability, as is the case of Petitioner herein, it cannot be expected that he can be operate as a mobile vendor and thus, the authorities, including the TVC-II upon constitution has to take a policy decision in this regard to comply with the provisions of Rights of Persons with Disabilities Act, 2016, .

17. In the meantime, however, the Petitioner, who has a 90% locomotor disability, cannot be asked to be a mobile vendor, inasmuch as he does not have the physical capability to operate as a mobile vendor.

18. Under these circumstances, the Petitioner is permitted to operate as a stationary vendor in these exceptional circumstances.

19. The Assistant Commissioner, MCD, of the area concerned shall identify a space which is not falling within the NHAI area and from where the Petitioner can peacefully vend as a stationary vendor.

20. The said site shall be identified within a period of two weeks from the date of this order and the Petitioner shall be duly communicated the location of the said site. The Petitioner shall vend from the said site, strictly in terms of the terms and conditions of the CoV, except condition 11. Subject to the same, he shall be permitted to peacefully vend.



21. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.
22. The above order shall be subject to any policy decision to be taken by the TVC-II after being constituted.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 10, 2026

Rahul/ss