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

Date of decision: 10th September, 2026

Uploaded on: 10th September, 2026

CNR No. DLHC010429682026

+ **W.P.(C) 13254/2026**

RAJENDER

.....Petitioner

Through: Mr. Aditya, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS...Respondents

Through: Mr. Harshit, Standing Counsel for
MCD.

Ms. Vaishali Gupta, Panel Counsel (Civil) GNCTD, Ms. Rashi Aggarwal, Advocates for R-3.

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 allow the Petitioner to peacefully vend from the vending site *i.e.*, on the Open Space, Opposite Gali No. 18, Jagdamba Road Tughlakabad Extn, Central Zone, Ward-S-82, New Delhi (hereinafter "*the vending site*").
3. The Petitioner holds a provisional Certificate of Vending having URI No. 2643292 under the category '*Food/ Snack with gas cylinder/ fire*' with place of vending being Central Zone, Ward-S-82. The photograph of the



Petitioner's vend has been placed on record and is set out below:-



4. The case of the Petitioner is that his vending activities are being disturbed by the Respondents. It is also submitted by the Id. Counsel for the Petitioner that recently, fire had occurred in the area due to which his vend has been removed. The Petitioner is stated to have then made a representation dated 7th September, 2026.

5. Mr. Aditya, Id. Counsel for the Petitioner submits that the Petitioner may be permitted to vend peacefully at the vending site, as has been allowed in the case of similarly placed persons by this Court.

6. On the other hand, Mr. Harshit Chopra, Id. Standing Counsel for the MCD submits the Petitioner is vending on a drain which has been covered by slabs. The manner in which the Petitioner is vending is also not on a cart and he is using a cylinder which is much bigger and placed on the drain itself



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which would also not be safe.

7. Ld. Standing Counsel for the MCD has handed over photographs of the Petitioner's vend which were taken this morning and the same are extracted below:





8. Heard. A perusal of the above images would indeed show that the Petitioner is vending on a drain which is covered and the same would not be safe for either the Petitioner or for the customers who may be availing of his services.

9. However the Petitioner has been given a provisional CoV under the category of 'Food/ Snack with gas cylinder/ fire'. Thus, the similar conditions as passed in similar matters recently, wherein, vendors are vending under the category of 'Food/Snack with gas cylinder/fire' i.e., in *W.P.(C) 15082/2025* titled '*Rajendra Singh v. Commissioner of Police and Ors.*' vide order dated 2nd February, 2026, *W.P.(C) 19391/2025* titled '*Mohd Badruddin v.*



Municipal Corporation of Delhi & Ors. vide order dated 8th January, 2026 and in ***W.P. (C) 1609/2026*** titled '***Rihana v. MCD & Ors.***' vide order dated 05th February, 2026 are also passed in the present case in the following terms:-

- i) The Assistant Commissioner of the concerned area shall identify an alternative space for the Petitioner where he can vend within a period of two weeks. However, Petitioner shall ensure that the vend is not placed on the floor but is on a cart.
- (ii) The petitioner shall abide by the terms and conditions of the provisional CoV;
- (iii) The Petitioner shall be permitted to operate his vend, but shall use a gas cylinder which does not occupy too much space. It is made clear that only a small gas cylinder for heating of food and snacks shall be used by the Petitioner;
- (iv) The Petitioner shall restrict himself to a particular space which shall not in any manner cause obstruction to the movement of pedestrians or cause any traffic congestion to vehicular traffic on the roads;
- (v) The Petitioner shall also be obliged to maintain cleanliness and hygiene around the vend, which he is working from and shall ensure the presence of a dustbin near the vend;
- (vi) Subject to the above, Condition No.11 in the CoV shall not apply to the Petitioner. The Petitioner shall comply with all the other conditions in the CoV;
- (vii) It shall be ensured that the Petitioner shall not create any third-party interest in this provisional CoV and there shall be a bar on sub-letting or any handing over possession to any third party;



(viii) No permanent or temporary construction shall also be erected by the Petitioner.

10. The Petitioner shall approach the concerned Assistant Commissioner, MCD on **17th September, 2026 at 11.30 am** for the purpose of identifying of the alternate space.

11. The above stated directions shall be subject to any plan which the Town Vending Committee-II may be coming up with in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and no vested rights shall be claimed.

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

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 10, 2026
MR/msh