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

Date of Decision: 4th November, 2026
Uploaded on: 6th November, 2026

\# **CNR No. DLHC010397652026**

\+ **W.P.(C) 12340/2026**

MAHIPAL SINGH .....Petitioner
Through: Mr. Aditya, Advocate

versus

MUNICIPAL CORPORATION OF DELHI AND ORS .....Respondents
Through: Ms. Shilpa Ohri, Additional Standing Counsel for MCD
Ms. Vaishali Gupta, Panel Counsel, (Civil), GNCTD and Mr. Akhil Yadav, Advocate for R-3
Mr. Shashi Pratap Singh, Ms. Shagun Sabharwal, Advocates for DDA

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 76999/2026 (early hearing)

2. This is an application filed by the Petitioner for seeking early hearing of ***CM APPL. 70543/2026.***

3. For the reasons mentioned therein, the application bearing ***CM APPL. 70543/2026*** is taken up for hearing today. ***CM APPL. 76999/2026*** is disposed

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of.

CM APPL. 70543/2026 (for release of seized goods and articles)

4. This petition was filed by the Petitioner *inter alia*, seeking directions to the Respondents to allow him to peacefully vend from the vending site on the Footpath/Open Space opposite Vishwa Sadan Building, near Satyam Cinema, District Center, Janakpuri, West Zone, Ward-S-15, New Delhi (hereinafter, 'the vending site').

5. The case of the Petitioner in this case is that he is a street vendor who has been vending from the said vending site for several years and holds a provisional Certificate of Vending *(hereinafter, 'CoV')* bearing URI No. 2337592 under the category of 'Food snack with gas cylinder/fire' for West Zone, Ward-S-15, New Delhi.

6. On 24th August, 2026, the Court had heard ld. Counsel for the Petitioner, as also the ld. Counsel for MCD and had disposed of this petition.

7. ***CM APPL. 70543/2026*** has been filed by the Petitioner seeking release of his goods which were seized from his vend by the MCD officials on 2nd July, 2026.

8. This Court had, while disposing of the instant petition *vide* order dated 24th August, 2026, observed as under:-

> *14. Under these circumstances,* ***the Court is not inclined to interfere with the removal of the cart or the imposition of the fine upon the Petitioner.*** *However, since the Petitioner is in possession of a provisional CoV, he is permitted to vend strictly in accordance with the terms and conditions stipulated therein, within the West Zone, Ward S-15.*

9. As clear from the above, the Court was not inclined to interfere in the

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removal of the cart or the imposition of the fine upon the Petitioner.

10. Ld. Counsel for the MCD submits that the counter top which has been seized from the Petitioner would be returned upon payment of imposed fine. It is also submitted that the Petitioner was operating a juice cart in an unauthorized manner.

11. Accordingly, it is directed that all the goods of the Petitioner seized by the Respondent-MCD shall be released to the Petitioner after the payment of applicable fine.

12. It is also noticed that any seizure memo, if issued by the MCD to the Petitioner, has not been brought before this Court. The respondent-MCD is cautioned once again that whenever the goods are seized, seizure memo has to be given to the concerned party from whom the seizure of goods has been made.

13. In this regard, it is submitted on behalf of the MCD that this action is being taken under Section 322 of the Delhi Municipal Corporation Act, 1957, as the final Certificate of Vending is yet to be issued to the Petitioner by the TVC-II.

14. Be that as it may, this Court in ***W.P. (C) 10490/2026,*** titled ***'Rehri Patri Ekta Manch vs Govt. of NCT of Delhi Ors.'***, vide order dated 10th September, 2026 already directed that whenever seizures are made, seizure memos ought to be issued. The said directions are set out below:-

> ***12. Accordingly, considering the difficulties expressed by the authorities that if seizure memos are prepared on spot, other vendors who are in the area tend to escape action, the MCD and NDMC are permitted to issue seizure memos, in accordance with law within an outer limit of 24***

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hours from the seizure.

13. The seizure memos shall mention the date of seizure, the list of goods seized, shelf numbers - if any, penalty/fine if any to be paid and shall bear the name, signature and designation of the concerned officer.

15. In view of the above, let all the seized goods be released to the Petitioner immediately after payment of applicable penalty by the Petitioner.

16. The application is disposed of in the above terms. Next date of 27th November, 2026 stands cancelled.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 4, 2026
'rs'/ss

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