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

Date of Decision: 2nd November, 2026
Uploaded on: 4th November, 2026

\# **CNR No. DLHC010527592026**

\+ **W.P.(C) 16214/2026**

RAVI KUMAR .....Petitioner

Through: Mr. Aditya, Mr. Vipin Kumar, Ms. Pralika Chakraborty, Mr. Anjani Kumar Mishra, Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS
.....Respondents

Through: Ms. Shilpa Ohri, Additional Standing Counsel for MCD
Ms. Vaishali Gupta, Panel Counsel (Civil) with Ms. Rashi Aggarwal, Advocate for GNCTD/R-3.
Mr. Raghvendra Shukla, SPC, Ms. Pooja Kumari, GP, Mr. Asra Chandra, Mr. Himanshu Tyagi, Mr. Shivam Ukalaniya, Advocates for R-4 & R-5

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner- Ravi Kumar under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to allow the Petitioner to

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peacefully vend at his designated spot *i.e.*, on the open space, Raja Dhirsain Marg, near Mount Kailash Apartment, East of Kailash, South Zone, Ward-S-86, New Delhi.

3. The Petitioner is a vendor with a Certificate of Vending (hereinafter, *'COV'*) bearing URI No. 1692921 under the category *'Food/Snack with Gas Cylinder/Fire'*. A photograph has been handed over by the ld. Counsel for the Petitioner which is set out below:



4. Mr. Aditya, ld. Counsel for the Petitioner submits that the vendor be

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allowed to vend peacefully at his designated site.

5. On the other hand, ld. Counsel for the Municipal Corporation of Delhi (hereinafter, *'MCD'*) has handed over images of 31st October, 2026 depicting the manner in which the Petitioner has encroached the entire area. According to ld. Counsel, the Petitioner is also not keeping sanitation and hygiene or cleanliness in the area. It is further submitted by ld. Counsel for MCD that traffic congestion is caused due to the vend of the Petitioner and also the local residents are complaining repeatedly about the Petitioner with the police and subsequently, the police has complained to the MCD. The images as handed over by the ld. Counsel for MCD are set out below:-



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6. A perusal of the above images would show that the Petitioner is violating the terms and conditions of the provisional CoV. The Petitioner has put up a temporary structure and is not maintaining cleanliness/ hygiene as also permitting traffic congestion right outside his vend. In the opinion of this

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Court, this kind of vending cannot be permitted even if it is by way of a CoV which has been issued under the category *'Food/Snack with Gas Cylinder/Fire'*. Under such circumstances, MCD is justified in taking action.

7. However, since the Petitioner is a provisional CoV holder, if he wishes to obtain an alternate vending site, he may approach the concerned Assistant Commissioner, MCD who shall identify an alternate vending site.

8. If an alternate site is identified for the Petitioner for vending by the Assistant Commissioner, MCD, the Petitioner shall then abide by all the terms and conditions of the CoV except Condition No. 11.

9. Additionally, the Petitioner shall also be bound by the following terms and conditions:

(i) 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;

(ii) 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;

(iii) 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;

(iv) 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;

(v) It shall be ensured that the Petitioner shall not create any third-

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party interest in this provisional CoV and there shall be a bar on sub-letting or any handing over possession to any third party;

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

10. Upon the alternate site being identified the Petitioner shall be permitted to peacefully vend subject to compliance of the above conditions. The present order shall be subject to the decision of the Town Vending Committee–II after being constituted.

11. Further, 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. It is made clear that the Petitioner shall not vend at the present vending site *i.e.*, on the open space, Raja Dhirsain Marg, near Mount Kailash Apartment, East of Kailash, South Zone, Ward-S-86, New Delhi. The SHO, Police Station- Amar Colony shall remove the Petitioner from the present site.

13. Copy of this order be communicated to the SHO, Police Station- Amar Colony by Mr. Ritesh Kumar Bahri, ld. APP.

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

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 2, 2026/*'rs'/ck*

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