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

Date of decision: 3rd September, 2026
Uploaded on: 7th September, 2026

\# **CNR No. DLHC010599482024**

\+ **W.P.(C) 12697/2024, CM APPL. 60249/2024, CM APPL. 60250/2024, CM APPL. 16216/2025 & CM APPL. 16217/2025**

KISHAN CHAND AND ORS. .....Petitioners

Through: Mr. Sanjay Baniwal and Mrs. Manisha, Advs.

versus

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

Through: Ms. Shweta Priya, Adv. for MCD.
Mr. Sanjay Kumar Pathak, Standing Counsel with Mr Sunil Kumar Jha, Mr M S Akhtar and Mr Kushagra Dixit, Advs. for LAC.
Ms Arunima Dwivedi CGSC, Ms Himanshi Singh, Ms Monalisha Pradhan, Mr Suman Ghosh and Mr. Amit Acharya, GP for UOI.
Ms. Vaishali Gupta, Panel Counsel (Civil) GNCTD with Ms. Rashi Aggarwal, Adv. for R-4.

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 Petitioners, who are 45 street vendors, all of whom have been issued *provisional* Certificates of Vending

(hereinafter, 'CoV').

3. The details of the Petitioners, their CoVs and category of vending as set out in Petitioner's representation dated 9th August, 2024 made to the Respondents, is as under :

Sr.No.	**Name of the Street Vendor**	**Certificate of Vending No.**	**Category mentioned**	**Zone**
1.	Bablu	1802752	Others	South, Ward-S-79
2.	Heera Devi	8966182	Others	South, Ward-S-79
3.	K D Shrivastav	9108262	Others	South, Ward-S-79
4.	Rajesh Srivastav	5865964	Others	South, Ward-S-79
5.	Naresh Kumar	3842639	Others	South, Ward-S-79
6.	Amar Singh	9613268	Others	South, Ward-S-79
7.	Ashwani	2611790	Others	South, Ward-S-79
8.	Kishan Chand	8308252	Others	South, Ward-S-79
9.	Hukam Chand	8385659	Others	South, Ward-S-79
10.	Ashfak Hussain	4457844	Others	South, Ward-S-79
11.	Rajesh Kumar	4554110	Others	South, Ward-S-79
12.	Aakash	7164974	Others	South, Ward-S-79
13.	Mohan Lal	4311375	Food/Snack with Gas Cylinder/Fire	South, Ward-S-79
14.	Subhash	7004665	Others	South, Ward-S-79
15.	Shanu	2353954	Others	South, Ward-S-79
16.	Heera Lal Reswal	9596810	Others	South, Ward-S-79
17.	Bijender Singh	2900291	Others	South, Ward-S-79
18.	Gulshan (Deceased)	1559698	Others	South, Ward-S-79
19.	Pushpa Devi	5568072	Others	South, Ward-S-79
20.	Ved Prakash	8523978	Others	South, Ward-S-79
21.	Jitender Gupta	4455784	Others	South, Ward-S-79
22.	Hetraj	3149649	Others	South, Ward-S-79
23.	Vijendra Kumar	2936612	Others	South, Ward-S-79
24.	ShaneAlam	8714494	Others	South, Ward-S-79
25.	Hira tal	1618911	Others	South, Ward-S-79

26.	Om Prakash	2274583	Others	South, Ward-S-79
27.	Dileep Kumar	2991096	Others	South, Ward-S-79 South, Ward-S-79
28.	Ramesh Kumar	6765630	Others	South, Ward-S-79
29.	Ashok Kumar	7763085	Others	South, Ward-S-79
30.	Chander Kala	5329216	Others	South, Ward-S-79
31.	Jagdish	5620708	Food/Snack with Gas Cylinder/Fire	South, Ward-S-79
32.	Om Prkash Jonwal	9749688	Others	South, Ward-S-79
33.	Kamlesh Bharti	2090980	Others	South, Ward-S-79
34.	Aslam	5275425	Others	South, Ward-S-79
35.	Sabir Ali	2925023	Others	South, Ward-S-79
36.	Zubeda	2467447	Others	South, Ward-S-79
37.	Suleman	8342850	Others	South, Ward-S-79
38.	Anil Kumar	4441629	Others	South, Ward-S-79
39.	Rajendra (Deceased)	5800681	Others	South, Ward-S-79
40.	Geeta Devi	8493862	Others	South, Ward-S-79
41.	Murari Lal	5755900	Others	South, Ward-S-79
42.	Madan Lal	6346162	Others	South, Ward-S-79
43.	Jakir Ali	4192662	Others	South, Ward-S-79
44.	Rajesh Pahadia	9091037	Others	South, Ward-S-79
45.	Pradeep Bhatia	9670290	Others	South, Ward-S-79

4. The case of the Petitioners is that they have been vending in the 'Sheetla Mata Market, Madangir'*(hereinafter, 'the vending area')* since several years, and they have also been paying property tax to the Municipal Corporation of Delhi *(hereinafter, MCD').*

5. The Petitioners' grievance is that, despite the property tax having been acknowledged and demand notices having been raised by the MCD for property tax, their vends were demolished from the vending area on 30th July, 2024.

6. The Petitioners have, therefore, approached this Court with the prayer that they ought to be permitted to establish their vending units with semi-permanent structures in the vending area, which were illegally demolished.

7. The various prayers in the petition are as under:

> *"I. Pass an order for Re-Establishment of the Vending Units/ Semi-Permanent structure of the petitioners at their fixed place/ location at "Sheetla Mata Market, Madangir" (South Zone, Ward - S- 79) which have been Demolished Illegally on 30.07.2024 by the Respondents without following the proper procedure/ due process of law as enumerated in law i.e., in terms of the Section 18 (3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014;*
>
> *II. Pass an order directing the Respondent MCD to decide the Representation dated 09.08.2024 made by the Petitioners for rectifying/ deciding the Category of the Street Vendors as Stationary Street Vendor in terms of the Section 6 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 in the Certificates of Vending (COV) of the Petitioners;*
>
> *III. Pass an order directing the Respondent No. 1 (MCD) and Respondent No. 2 and 3 (Delhi Police) to not to stop the Petitioners from carrying out the Vending activity from their fixed place/ location at "Sheetla Mata Market, Madangir" (South Zone, Ward - S - 79) which have been Demolished Illegally on 30.07.2024 by the Respondents without following the proper procedure/ due process of law as enumerated in law i.e., in terms of the Section 18 (3) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 as an Interim Measure subject to the final outcome of the present Writ Petition."*

8. Mr. Sanjay Baniwal, ld. Counsel for the Petitioners, submits that,

though the Petitioners are *provisional* CoV holders, since they have always been vending from semi-permanent structures and have also been paying property tax, with the receipts specifically mentioning the shop numbers, they have every right to erect and continue to maintain their temporary structures for their vends.

9. The MCD has filed its affidavit, and in terms of the said affidavit, the property tax has been paid by way of self-assessment basis and the same does not confer any legal title or ownership in respect of the site in question.

10. The further stand of MCD is that the grant of a permanent site for vending is purely in the domain of Town Vending Committee-II (*hereinafter ‘TVC-II*). The relevant portions of the MCD’s affidavit are extracted below:

> *“[…] 9. That further, it is also relevant to state here that as regards the payment of House Tax is concerned, it has been informed by the House Tax Department of respondent - MCD that since 2004-2005, the House Tax is being paid by way of Self Assessment by the tax payer.* ***The payment of House Tax made by any tax payer on Self Assessment basis, does not confer any legal title, right or ownership of the property / site in question in their favour. Moreover, the site in question as claimed by the petitioner herein is a public road****. Hence, in light of the same, it is submitted that merely payment of House Tax does not give them any right, title and interest in respect of the site in question as claimed by the petitioner.*
>
> *10. That it is also relevant to state here that so as to grant any permanent site or categories i.e. Stationary, mobile and others in terms of the Street Vendors Act-2014, Rules / Schemes framed there under, it will be prerogative of the Town Vending Committee-II to decide. However, the same has not yet been constituted. Under the provisions of Street Vendor Act, Rules and*

Schemes after completion of the survey and grant of interim CoV by Town Vending Committee - 1 already constituted, the Town Vending Committce -Il will be constituted and then it will be within the domain of the said TVC -II to prepare a street plan akin to the Master Plan provisions and development plan of the area in question taking into the consideration the data of identified existing Street Vendors and deemed Street Vendors (previous I Tehbazari Holders). Keeping in view of the same, it is humbly submitted that till time no designated site / permanent site have been allotted to the petitioners herein. Merely grant of interim CoVs or payment of the House Tax for the site in question as alleged, the same does not give them any vested right, titled and interest in respect of site as prayed for."

11. Heard the ld. Counsel for the parties. All the Petitioners being CoV holders, they are duty bound to abide by the terms and conditions of the *provisional* CoVs. The said terms and conditions are as under:

> *"1. Vendor shall not have any other permanent or long-term vending certificate.*
>
> *2. Vending certificate is non-transferable.*
>
> *3. It is mandatory for the vendor to follow the vending period and zone as determined by TVC or local body.*
>
> *4. Vendor shall not give his vending certificate on rent in any way.*
>
> *5. Vendor shall not have any infectious disease.*
>
> *6. Vendor shall have to take care of hygiene on vending place/zone and nearby area and also take care of public health.*
>
> *7. Vendor shall display copy of vending certificate on his place/vending site and will produce original documents to TVC/concerned inspector whenever required.*

8. Vendor/Squatter shall insure that no hindrance be caused to pedestrian and vehicular moment.

9. Vendor shall not vend/sell any harmful, dangerous and polluted items. It should also be ensured that the quality of the products sold and services provided to the public conform to the prescribed standards of public health, hygienic conditions and safety.

10. The street vendor shall not do any unauthorized/illegal activity.

11. Mobile vendors shall not stay or vend more than 30 minutes or time prescribed by the TVC at place in a vending/squatting zone.

12. Vendors will not block footpaths and will not vend on roads. Vendor should take care of space in front of vending stalls/counters on footpath for pedestrians.

13. Vending certificate can be cancelled or suspended on the basis of violations.

14. Vendor shall not build or construct any kind of permanent or temporary structure at vending site.

15. Seller shall adopt health and hygiene conditions as required by local laws and court orders.

16. Vendor have to follow all the conditions mentioned in Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme, 2019"

12. Insofar as Condition No.11 is concerned, in terms of the meeting held on 15th May, 2024 under the Chairmanship Addl. Chief Secretary (Urban Development Govt. of NCT of Delhi), in compliance with the directions

passed in ***WPC No. 2265/2024*** titled ***'Shiv Prasad & Ors. Vs MCD & Ors'*** the time period of vending at a particular spot has been modified from 30 minutes to 45 minutes. The said modification has been also been noted by this Court in ***W.P.(C) 10561/2026*** titled ***'Yuvraj and Ors. v. MCD North'*** *vide* judgement dated 3rd August, 2026.

13. However, the terms of the *provisional* CoV the condition No. 11 stipulates that all *provisional* CoV holders have to operate as mobile vendors.

14. The erection of semi-permanent structures or any temporary sheds, etc. is completely contrary to the terms and conditions of the *provisional* CoV and, hence, no vested rights can be claimed by the Petitioners, who may have erected such structures contrary to the vending conditions.

15. It is settled law that mere payment or acceptance of tax, whether municipal or otherwise, does not confer any right, title, ownership or vested right in the property in question. The Supreme Court, in ***State of A.P. & Ors. v. M/s. Star Bone Mill & Fertiliser Co., (2013) 9 SCC 319***, has held that:

> *"14. ...mere acceptance of municipal tax or agricultural tax by a person, cannot stop the State from challenging ownership of the land, as there may not be estoppel against the statute. Nor can such a presumption arise in case of grant of loan by a bank upon it hypothecating the property."*

16. This position has been reiterated by the Supreme Court in ***Vadiyala Prabhakar Rao & Ors. v. Government of Andhra Pradesh & Ors., 2026 INSC 450***, wherein, while summarising the settled principles on revenue entries and their legal effect on the question of title, the Court held that:

> *"16. ….A Revenue Record is not a document of title and does not confer any ownership or title upon the person whose name appears in it... The mere acceptance of municipal or*

agricultural taxes, or the granting of a bank loan based on these records, does not stop the State from challenging the ownership of the land."

17. The Rajasthan High Court has taken a similar view in ***Ramrakh Chhipa & Ors. v. Municipal Council 2026 : RJ-JP: 29890***, holding as under:

> *"16. Even otherwise, the payment of municipal taxes, or the issuance of a receipt acknowledging such payment, at best constitute a proof of possession only.* ***Such payment is merely a fiscal arrangement between the municipal authority and the person making the payment and cannot, by itself, confer any right, title or interest over the property concerned.****"*

18. In view of the above settled position, the payment of property tax, if accepted by the MCD inadvertently, cannot lead to overriding of the terms and conditions of the *provisional* CoV. Further, it is to be noted that payment of property tax on self-assessment basis cannot convert a public road into a private space. Even, the acceptance of property tax on the basis of self-assessment made by vendors cannot change the character of the vends, the nature of vending and also the fact that there is no permanency of any site attached to such CoV holders. The Petitioners have to operate as mobile vendors as all of them except Petitioner Nos.13 and 31, are in the category of ***'Others'***.

19. Insofar as the Petitioner nos.13 and 31 are concerned, considering that they are permitted to use a gas cylinder, this Court is inclined to pass similar directions as have been passed in similar matters wherein, vendors were 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 5th February, 2026.

20. The Petitioner Nos.13 and 31 are, accordingly, directed to comply with the following directions:

(a) The Petitioner Nos.13 and 31 shall abide by the terms and conditions of the *provisional* CoV;

(b) The Petitioner Nos.13 and 31 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;

(c) The Petitioner Nos.13 and 31 shall restrict themselves 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;

(d) The Petitioner Nos.13 and 31 shall also be obliged to maintain cleanliness and hygiene around the vend, which they are working from and shall ensure the presence of a dustbin near the vend;

(e) Subject to the above, Condition No.11 in the *provisional* CoV shall not apply to the Petitioner Nos.13 and 31. The Petitioner Nos.13 and 31 shall comply with all the other conditions in the CoV.

(f) It shall be ensured that the Petitioner Nos.13 and 31 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.

(g) No permanent or temporary construction shall also be erected by the Petitioner Nos.13 and 31.

21. Insofar as the other vendors are concerned, they shall also be obliged to maintain cleanliness around their vends wherever they are stationed. They shall also not create any temporary or permanent structure. It would be impermissible to even create any third party rights in the provisional CoVs.

22. 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.

23. Insofar as the prayer of the Petitioners seeking change in the category is concerned, the same is purely in the domain of TVC-II which is in the process of being constituted by the MCD.

24. After the TVC-II is constituted, the Petitioners shall be at liberty to make their representations seeking a change of category, which shall be considered and disposed of by the TVC-II in accordance with law, within a period of three months, after its constitution.

25. No further orders are called for in this matter.

26. The petition is disposed of in the above terms. The pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 3, 2026/aj/sm