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

Date of decision: 28th July, 2026

Uploaded on: 30th July, 2026

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W.P.(C) 10383/2026

MICHEAL EKKA

.....Petitioner

Through: Mr. Bhuvneshwar Tyagi, Adv.
versus

MUNICIPAL COOPERATION OF DELHIRespondent

Through: Mr. Parminder Singh, SC of MCD,
Mr. Aryanshu Vaibhav Gautam, Mr.
Pratham Kumar, Licencing Inspector
(West Zone) (M. 7042261567)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 48043/2026 (exemption)

2. Allowed, subject to all just exceptions. Application stands disposed of.

W.P.(C) 10383/2026 & CM APPL. 48042/2026

3. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to restore the Petitioner's stall at the original vending site or in the alternative allot an equivalent *tehbazari* site to the Petitioner.

4. The Petitioner has been issued a Certificate of Vending (*hereinafter*, 'CoV') bearing **URI No. 7885705** under the category of '**Food/Snack with gas cylinder/fire**' for West Zone, Ward S-5.

5. The grievance of the Petitioner is that his vending stall was demolished



by the concerned officials of the Municipal Corporation of Delhi (*hereinafter*, 'MCD') without any notice, on 10th July, 2026 at 08:00 A.M.

6. Therefore, the Petitioner prays for restoration and reconstruction of his vending stall and for protection under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

7. Ld. Counsel for the Petitioner submits that the Petitioner is suffering from 45% permanent locomotor disability and, therefore, his case deserves to be considered empathetically. In this regard, reliance is placed upon the Disability Certificate issued by Guru Gobind Singh Government Hospital, West Delhi, which is annexed to the present petition.

8. The photograph of Petitioner's vend is set out below:

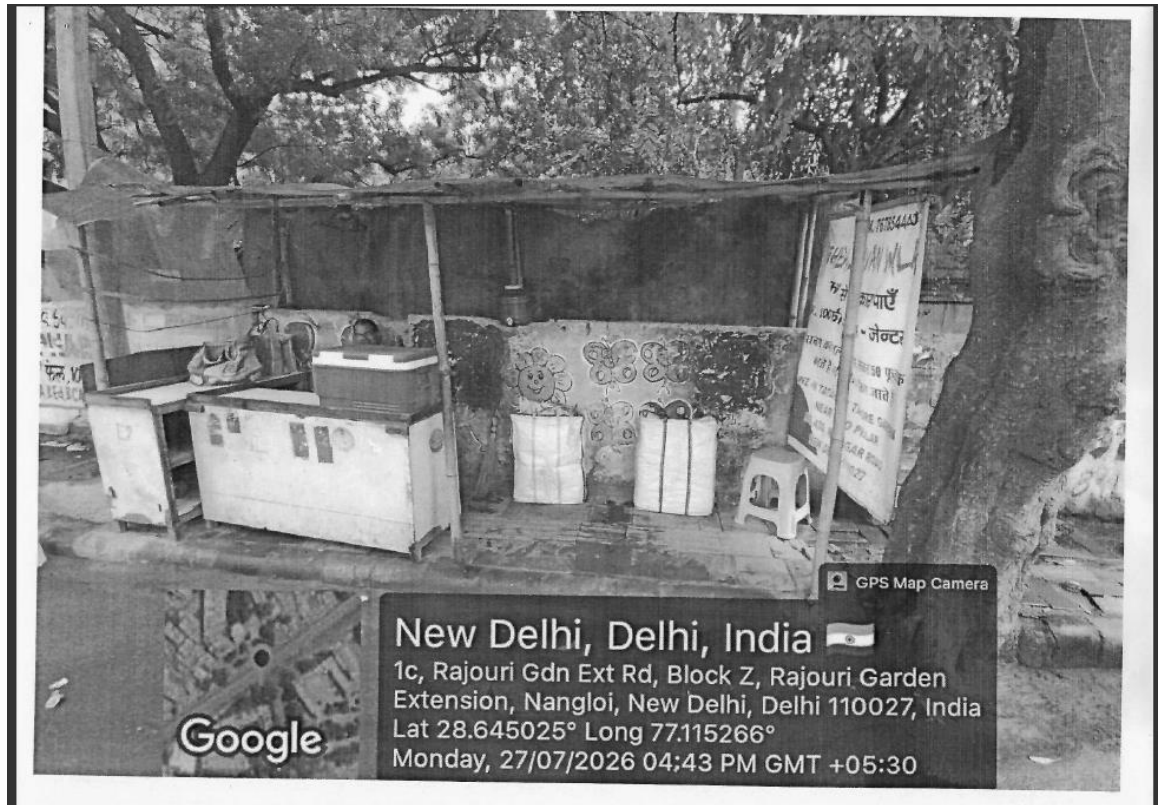




9. Ld. Counsel for the MCD, on instructions, submits that the demolition action was carried out as the Petitioner had raised permanent/temporary construction. Thus the MCD had taken action and removed the Stall of the Petitioner. The Petitioner has, however, rebuilt the vending stall, and photographs as on 27th July, 2026 have been placed on record.

10. The photographs on behalf of the MCD are set out below:





11. Ld. Counsel for the Petitioner submits that the Petitioner is willing to shift all his belongings to a cart, provided he is permitted to remain stationary while operating from the said cart.
12. The Court has heard the Id. Counsels for the parties. A perusal of the photographs placed on record by both the Petitioner and the MCD would show that the Petitioner has undertaken temporary construction in the form of a tin/sheet shed.
13. The Petitioner is also occupying a much larger space than what is permissible.
14. Under these circumstances, the MCD cannot be blamed for taking action.
15. The Petitioner is suffering from 45% locomotor disability, as per the disability certificate issued by the Guru Gobind Singh Government Hospital.



16. After considering the *provisional* CoV of the Petitioner, as also the photographs, this Court is inclined to pass similar directions as have been 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 5th February, 2026.

17. In this background, the present petition is disposed of in the following terms:

- a) The Petitioner shall operate from a mobile cart, however, considering his locomotor disability, he shall be permitted to station the cart at one place, as may be identified by the concerned Assistant Commissioner, MCD within ten days.
- b) 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;
- c) The Petitioner shall restrict himself to a particular space, where he is operating from, and shall not extend/encroach to the pedestrian areas or cause obstruction in movement of pedestrians;
- d) 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;
- e) 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.

- f) 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.
- g) No permanent or temporary construction shall also be erected by the Petitioner.

18. 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.

19. The officials of the MCD shall inspect the vend of the Petitioner on Thursday *i.e.*, 13th August, 2026 and if the Petitioner is found to be complying with the conditions of the CoV, he shall be permitted to vend peacefully.

20. Subject to the above conditions, the Petitioner shall not be disturbed from operating his vend.

21. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

JULY 28, 2026
nsa/sm