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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) 10410/2026

MOHD SABIR

.....Petitioner

Through: Mr. Aditya, Adv.
versus

MUNICIPAL CORPORATION OF DELHI AND ORS...Respondents

Through: Mr. Amit Kumar Dogra, SPC and Mr.
Manish Rawat, SPC, Adv. for R-4 &
5/Delhi Police.
Ms. Vaishali Gupta and Ms. Rashi
Aggarwal, Adv. 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 under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend from the vending site *i.e.*, on the Foothpath/open space Opp. A12, Near Adarsh Nagar Metro Station, Adarsh Nagar, Civil Lines Zone, Ward-17-N, New Delhi (*hereinafter*, 'the vending site').
3. The case of the Petitioner is that he is a street vendor who has been vending from the said vending site for several years.
4. The Petitioner has been issued a *provisional* Certificate of Vending (*hereinafter*, 'CoV') bearing **URI No. 3338041** under the category of '**Food snack with gas cylinder/fire**' for Civil Lines, Ward-17-N, New Delhi.



5. The Petitioner is running a vending cart under the name ‘*Patna Best Roll Centre*’ in the Adarsh Nagar area. The photograph of Petitioner’s vend has been placed on record and the same is set out below:



6. The grievance of the Petitioner is that he is not being allowed to peacefully vend from the vending site, despite having a provisional CoV and his vending activities have been obstructed by the concerned officials of the Municipal Corporation of Delhi (*hereinafter, ‘the MCD’*) and the Delhi Police.

7. Ld. Counsel for the MCD has placed on record certain photographs and informed the Court that proper cleanliness is not being maintained by the Petitioner near the vending cart. It is also submitted that the Petitioner is running a momo cart, similar to the cart which has been placed on record along with the petition.

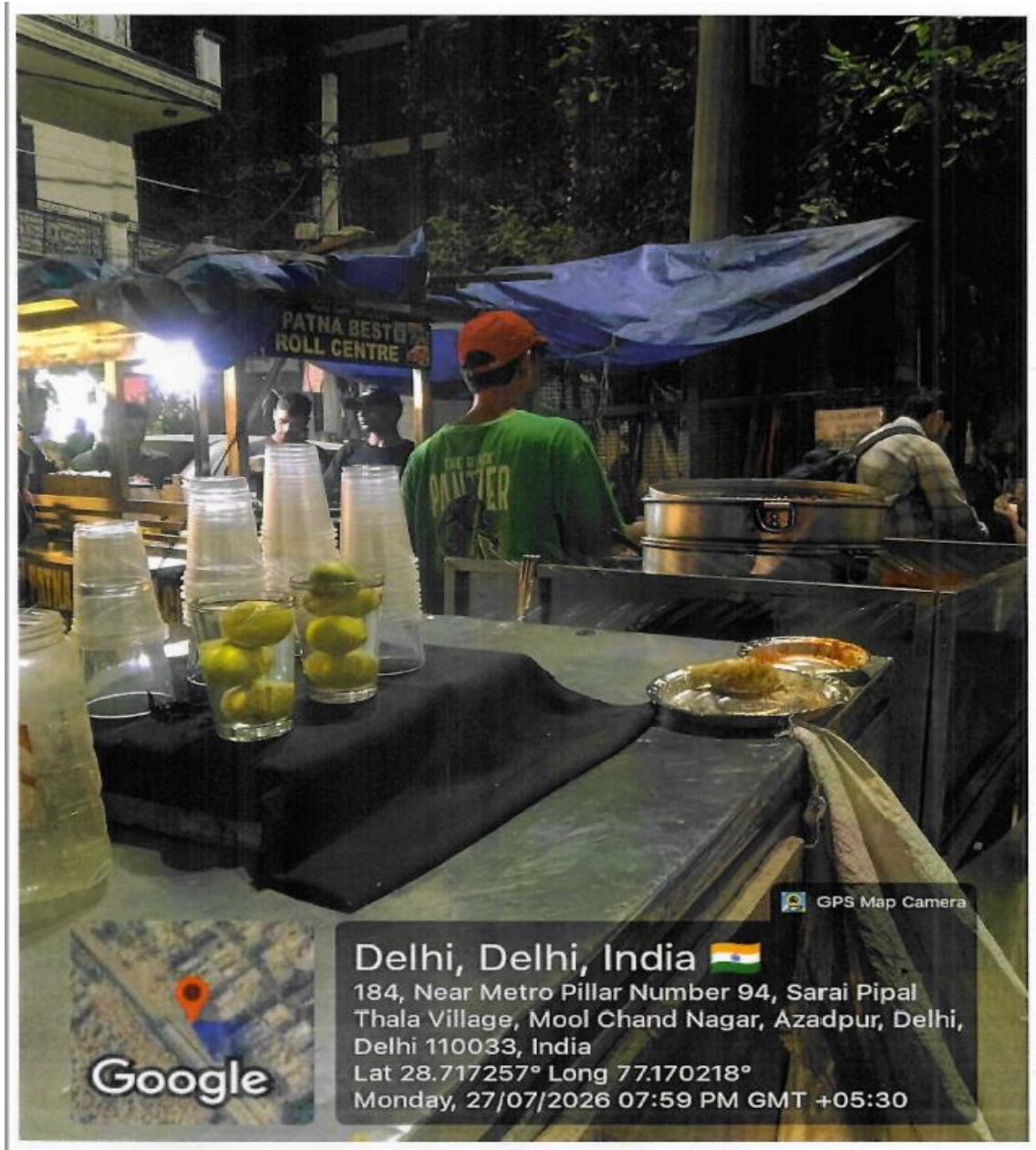
8. It is further submitted that the Petitioner is also encroaching upon the footpath and other adjoining areas by placing tables thereon.



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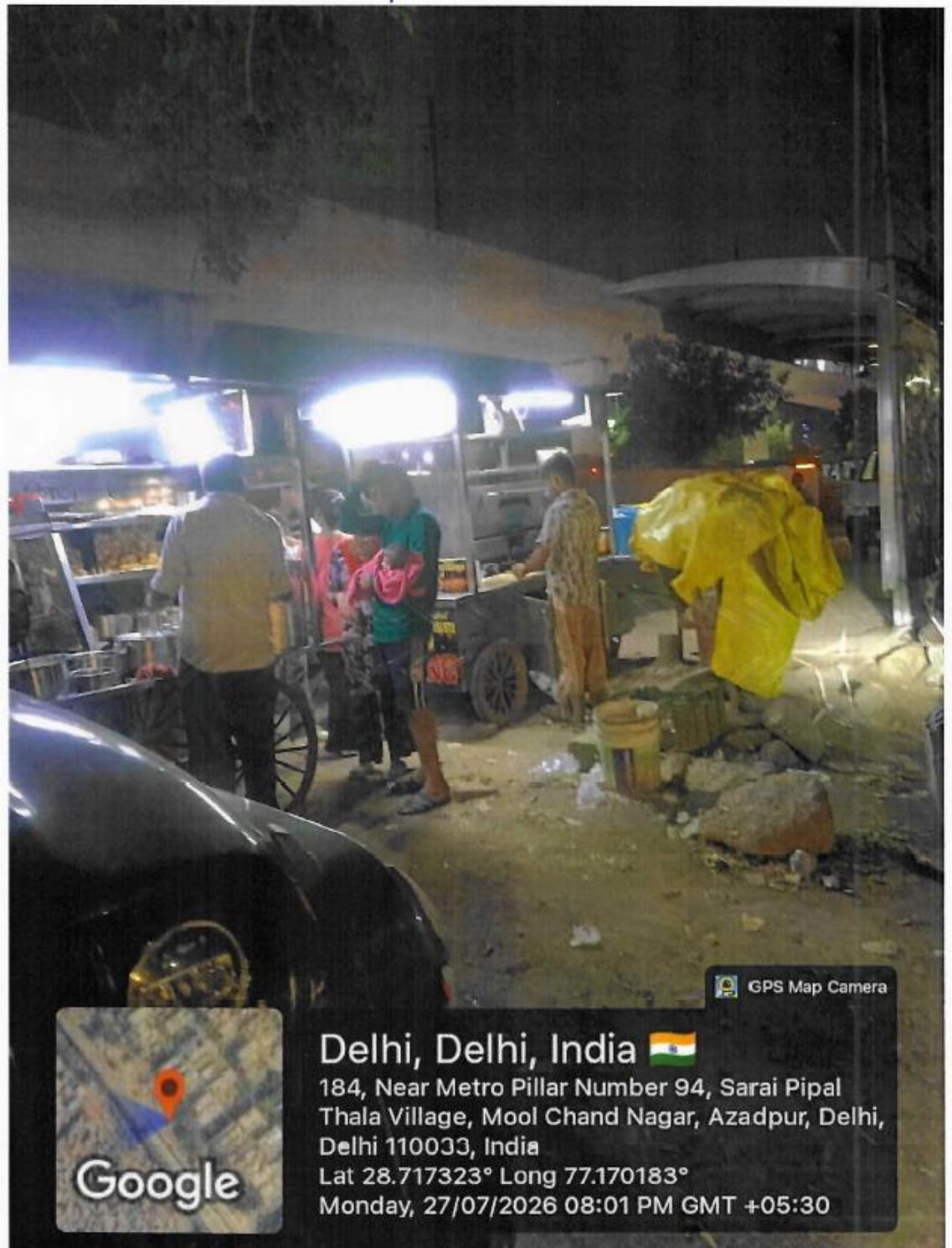


9. The photographs placed on record by the Id. Counsel for the MCD are as under:





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10. The Court has considered the matter. It is noticed from the above images that the gas cylinder is kept outside the cart with a *tava* placed on top



of it. This would not be permissible. The Petitioner, being a provisional CoV holder, is required to strictly abide by the terms and conditions of the CoV.

11. After considering the *provisional* CoV of the Petitioner, as also the photographs, this Court is inclined to pass the 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.

12. In this background, to protect the livelihood of the Petitioner, the present petition is disposed of in the following terms:

- a) 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;
- b) 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;
- c) 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;
- d) 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.



- e) 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.
- f) No permanent or temporary construction shall also be erected by the Petitioner.
- g) All the remaining carts shall be removed and only the provisional CoV holders shall be permitted to operate their carts.

13. 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.

14. 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 and the conditions prescribed above, he shall be permitted to vend peacefully.

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

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

JULY 28, 2026/dss/sm