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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 15th July, 2025

+ **W.P.(C) 9592/2025 & CM APPL. 40344/2025**
TRIDIB MONDALPetitioner
Through: Mr. Nitish Massey, Mr. Harshit Gupta
appearing along with Petitioner in
person.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS
.....Respondents
Through: Mr. Siddharth Gupta, Standing
Counsel for MCD/R-1, Mob. No.
9810141287.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 40345/2025 (exemption)

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

W.P.(C) 9592/2025 & CM APPL. 40344/2025 (for direction)

3. The present writ petition has been filed by the Petitioner – Tridib Mondal under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to allow the Petitioner to peacefully vend at his designated spot.

4. The case of the Petitioner is that he is a vendor running a flower shop by the name M/s Ma Kali Flower Shop near the Forensic Science Institute Boundary wall, J.N.U., Ber Sarai Village, Devika Das Marg, New Delhi –



110016. According to the Petitioner, the said flower vend has been running since 2005. The Petitioner has also been issued a Certificate of Vending (hereinafter, 'COV') by the Municipal Corporation of Delhi (hereinafter, 'MCD').

5. Recently, the Petitioner's flower vend was removed by the concerned officials of the MCD without any notice and all the flowers of the Petitioner were allegedly seized and confiscated.

6. Ld. Counsel for the Petitioner submits that the Petitioner is similarly placed to other vends who are operating in the area in question including the vend which was the subject matter in the decision in *W.P. (C) No. 14803/2022* titled '*Rajesh Jaiswal Vs. Municipal Corporation of Delhi & Ors.*'. The Petitioner is willing to abide by all the terms and conditions of COV.

7. Ld. Counsel for the MCD submits that the Petitioner was encroaching on the public space including the footpath and hence, action was to be taken against the Petitioner.

8. In fact, it is the submission of the MCD's counsel that yesterday the Petitioner was called to take possession of all the goods after paying the necessary fine, however, the Petitioner refused to do so. Ld. Counsel for the Petitioner submits that the intimation from the MCD was given after the filing of present writ petition and hence, the Petitioner did not go.

9. Heard. The Court has considered that matter and as also the order passed in *Rajesh Jaiswal (Supra)* and the decision dated 26th May, 2025 in *W.P. (C) 6952/2025* titled '*Ganesh Kumar Vs. Municipal Corporation of Delhi & Ors.*'.

10. It is the settled position that all vendors have to abide strictly by the terms and conditions of COV. Subject to vendors abiding to the said



conditions in the COV, the vendors shall not be disturbed from their place of vending. However, it is made clear that encroachment into public spaces would strictly not be permissible.

11. The Petitioner has agreed to operate and vend in a manner that he does not encroach any public space. The conditions of vending, which the Petitioner has to adhere to, as per the COV, are set out below:

- “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. The Petitioner shall ensure adherence to the above conditions subject to which the Petitioner shall not be disturbed by the concerned Authorities including the Delhi Police.

13. The Petitioner is free to approach the MCD to collect his wares subject to the payment of the necessary charges in accordance with law.

14. Accordingly, the present writ petition is dismissed. All pending applications, if any, stand disposed of.

**PRATHIBA M. SINGH
JUDGE**

RAJNEESH KUMAR GUPTA

JUDGE JULY 15, 2025/da/ck