



2025:DHC:6621-DB



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

Date of decision: 07th August, 2025

+ **W.P.(C) 6487/2025 & CM APPL. 29561/2025, CM APPL.
43032/2025**

SURENDER KUMAR SHARMA AND ORSPetitioners

Through: Mr. Rajat Wadhwa, Mr. Gurpreet Singh, Mr. Manish Kumar, Mr. Honey Jain & Mr. Sahi Kakkar, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel for GNCTD.
Ms. Puja S. Kalra, Standing Counsel with Mr. Virendra Singh, Advocate for MCD & Mr. Sharad Yadav, AO, KPZ, MCD.
Ms. Sangita Malhotra, Senior Panel Counsel with Mr. V.K. Gupta & Mr. Rajat Kapoor, Advocates for Respondent no.2/SHO, Shakarpur.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL



JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. Petitioners who are the holders of the Certificate of Vending ('CoV') have approached this Court seeking directions to respondents not to restrain them from holding the weekly market on every Monday at *BH Block, Shalimar Bagh, Delhi*.
2. Pursuant to notice issued by this Court, respondents have filed a short affidavit, wherein they have claimed that the weekly market can be conducted, by offering an alternate site. Relevant statement on the part of the respondents in *paragraph 12*, which is extracted as under:

“12. That the RWA also requested that the said Monday weekly market may kindly be shifted to a nearby road (Kela Godown Road) which is about 1 km from the present location and where the density of population and vehicles are much less as compare to the current location of Monday weekly market, however the same was rejected by the Market Association.”

3. It is borne out from the record that the weekly market on Monday, *viz. BH Block, Shalimar Bagh* was permitted thereby accommodating around 300 vendors *vide* the approval of the Town Vending Committee (TVC) on 28th October 2020.
4. It is the case of the respondents that, for the following reasons, vending activity is discontinued and the alternate site is offered:

“That in pursuance of the complaint of Retired



Public Servant Residents Welfare Association, BD Block, an inspection was conducted out by the concerned Licensing Inspector on 21.04.2025. During the Inspection on 21.04.2005, the following violations of the norms of Weekly Bazaar were observed (copy of the report enclosed as Annexure-'A' (Colly): -

- a. Uncontrolled increase in number of vendors beyond sanction limit.*
- b. Encroachment of public roadways and common areas, effecting pedestrian movements.*
- c. Erection of unauthorized structures such as permanent sheds, tarpaulin shelters etc.*
- d. Extended market hours beyond the permissible time, disturbing local residence.*
- e. Use of open flames and cooking equipment creating safety and sanitation hazards.*
- f. Severe traffic congestion and parking violations, which might obstruct emergency services.*
- g. Vendors were found using Polythene Bags under 120 Micron and failed to comply with the directions/rules specified in respect of Single Use Plastic and 11 kg of Polythene bags were also seized during the inspection.”*

5. As far as difficulties narrated by respondents for not permitting the Monday weekly market is concerned, one of the reasons cited is uncontrolled increase in number of vendors beyond sanctioned limit. It is in the order dated 28th October 2020 of the competent authority that the number of vendors is fixed at 300. In case there is increase in the number of vendors, it is for the respondents to regulate the entry of vendors and that too, the period for which such market is to be held, i.e. from 4 PM to



10 PM. Merely because there are 600 vendors of which 300 vendors are unauthorisedly vending in the said area may give rise to commotion; in such an eventuality, it is for respondents to control the number of vendors to be accommodated in the said area, as well as prescribed time limits.

6. Apart from the above, other reasons cited are encroachment of public roadways and common areas, affecting the pedestrian movement, and erection of unauthorised structures such as permanent sheds. Respondent-authority is vested with the power to act against such unauthorised encroachers or those who erect unauthorised structures and permanent sheds. It is equally for respondents to maintain the time period for which market is to be held, i.e. 4 PM to 10 PM, as has been mentioned in the decision dated 28th October 2020, permitting the weekly *Bazar*/market on Monday.

7. In such an eventuality, merely because there are certain issues and such issues could have been well addressed by respondents that by itself will not give authority to respondents in discontinuing the weekly market.

8. That being so, we pass the following order in the matter:

- i. Let a weekly market, as was earlier held at *BH Block, Shalimar Bagh, Delhi*, be continued on Monday between 4 PM to 10 PM with the capacity of 300 vendors who hold a Certificate of Vending.
- ii. Needless to clarify that in case if such vendors are



conducting themselves in contravention to the terms of the CoV, it shall be open for respondents to take appropriate action.

- iii. Similarly, action can be taken against the vendors who are not permitted to vend at such place and in case if the number of vendors increases to 300, it is for respondents to regulate the number of vendors in the said area.
- iv. Such vendors who encroached on public roadways or common areas, or have erected unauthorised structures such as permanent sheds, can be dealt with in accordance with law by the respondents.

9. By reserving the aforesaid right and authority in favour of respondents, we deem it appropriate to dispose of the present petition with further direction to permit the authorised vendors to continue holding weekly market at *BH Block, Shalimar Bagh, Delhi*.

10. In case if respondents had any intention to shift the weekly market or to close it down, needless to clarify that they must take recourse to the appropriate provisions of law, in such an eventuality.

11. The petition stands disposed of in the above terms.

12. Pending applications, if any, stand disposed of.

13. Needless to clarify that violation of the terms of the CoV in the matter of conducting weekly market on the part of the vendors will definitely attract a criminal action in accordance with the powers vested in that regard.



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14. A copy of this judgment be uploaded on the website of this Court forthwith.

**NITIN WASUDEO SAMBRE
(JUDGE)**

**ANISH DAYAL
(JUDGE)**

AUGUST 7, 2025/ab/bp