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

Date of decision: 8th January, 2026

Uploaded on: 9th January, 2026

+ **W.P.(C) 243/2026 & CM APPL. 1121/2026**

DINESH KUMAR

.....Petitioner

Through: Mr. Nagendra Kumar Sahoo, Adv.

versus

MUNICIPAL CORPORATION DELHI AND ORS.Respondents

Through: Ms. Puja.S.Kalra, Standing Counsel
and Mr. Virendra Singh, Advs. with
Mr. Manoj Kumar, LI, MCD
Mr. Chiranjiv Kumar, Mr. Durgesh
Bharti, Advs. for R3

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

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 issuance of an appropriate writ directing the Respondents to issue the Certificate of Vending (*hereinafter*, 'COV') and to allow the Petitioner to peacefully vend from his place of squatting in Kamla Nagar Market.
3. The case of the Petitioner is that he is an eligible squatter who has been squatting in front of Shop no. 38-E, in front of Unokha Saree, Kamala Nagar, P. S. Roop Nagar, since 1992. Sometime in 2021, a survey was carried out by the Town Vending Committee and the survey receipt was issued to the Petitioner bearing URI No. 7843487 dated 3rd February, 2021.



4. The grievance of the Petitioner is that till date the COV has not been issued and his vending activities are likely to be disrupted. Hence the prayer for protection.

5. Mr. Sahoo, Id. Counsel appearing for the Petitioner submits that the survey receipt is itself a proof of fact that he was an authorised vendor.

6. On the other hand, Ms. Kalra, Id. Standing Counsel on behalf of MCD has placed on record similar orders passed by this Court, that E-Block, Kamala Nagar has already been declared as a No-vending zone.

7. Further, she has placed reliance upon the decisions of the Coordinate Benches of this Court in ***W.P.(C)9307/2019*** titled ***Ram Prakash @ Prakash and ors. v. North Delhi Municipal Corporation and Ors.*** and ***W.P.(C) 15680/2023*** titled ***Maha Shankar Upadhyay and Ors. v. Govt. of NCT of Delhi & Ors.***

8. In ***Ram Prakash(supra)*** vide order dated 28th November, 2019 the Court has observed as under:

“1. Pursuant to the order dated 18.09.2019, the respondent/Nr.DMC has filed a status report wherein it has been averred that the list of areas annexed by the petitioners at pages 100-103 of the writ petition, is a list of permissible squatting/hawking areas and for Kamla Nagar, the areas where squatting/hawking is permitted, have been listed at serial No.67 to 71 of the aforementioned list, extracted in para 4 of the affidavit. It is further stated that besides the 5 areas so listed, all the remaining areas in Kamla Nagar have been declared as non-squatting/non-hawking areas. Learned counsel states that the area mentioned at serial No.12 of the list of permissible squatting/hawking areas, described as Kirori Mal College Road, E-Block, does not fall within the Kamla Nagar ward and in any event, none of the



petitioners are squatting at the said area. Instead, they are squatting on the other side of the road which is a no-hawking/no-squatting area. Annexed with the affidavit are photographs showing the petitioners hawking at the aforesaid site. It is lastly stated that Town Vending Committees have been constituted across Delhi and it is now for the TVC of the area to consider the claims of the petitioners and other squatters and hawkers, after completing a survey of the area.

2. Mr. Sahoo, learned counsel for the petitioner disputes the aforesaid submissions and asserts that the area where the petitioners are squatting, is a vending/hawking area and in support thereof, he seeks to draw the attention of this court to the averments made by the respondent/Nr. DMC in a short affidavit filed by it in the WP (C) 12228/2016, particularly para 2 thereof (Annexure P-4). On perusing the said affidavit, it transpires that in para 2, all that has been stated is that the petitioner in the captioned case had sought directions against the respondent/Nr.DMC not to disturb him from squatting at shop bearing No.29E, Kamla Nagar, New Delhi, till a survey is conducted. However, there is no admission made by the respondent/Nr.DMC that the said site is a hawking/vending site. **Instead, it has been clarified in para 3 of the very same affidavit that the area where the petitioner in the captioned case was vending/squatting, is a no vending/no squatting zone and he cannot claim any protection under Section 3(3) of the Street Vendors Act, 2014.**

3. Next, learned counsel for the petitioners seeks to refer to another list prepared by the respondent/Nr.DMC for the Civil Line Zone, which includes the list of squatting areas and mentions Kirori Mal College Road, E-Block at serial No.119. As already noticed hereinabove, Kirori Mal College,



E Block does not fall within the Kamla Nagar ward and therefore, no benefit can be drawn by the petitioners by relying on the said list.

4. In view of the above, we decline to entertain the present petition. However, leave is granted to the petitioners to approach the Town Vending Committee of the area that has already been constituted for them to file appropriate applications alongwith supporting documents to establish their claim for vending/hawking at the site in question. As and when the petitioners submit such an application, to the TVC, the same shall be considered and decided in accordance with law, after a survey of the area is conducted.

5. The petition is disposed of in the aforesaid terms.”

9. In terms of the above order, no COV can be issued to the Petitioner, at this stage. At best, the Petitioner can be permitted to approach the concerned Assistant Commissioner, MCD along with the relevant documents.

10. If the Petitioner's case is proved before the Assistant Commissioner, MCD then the request for issuance of COV shall be considered within four months by the Town Vending Committee. Ordered accordingly.

11. This Court has not gone into the merits of the case.

12. The present petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

JANUARY 8, 2026/ys/sm