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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 12th February, 2026
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+ W.P.(C) 15701/2025 & CM APPL. 8521/2026

BHAGWAN DAS SAINIPetitioner
Through: Ms. Saumya Tandon and Mr. Gaurav
Singh Sengar, Advs.
versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ORS.Respondents
Through: Mr. Rohit Kathuria, Mr. Harshit
Sharma and Mr. Anil Makkad, Advs.
Ms. Vaishali Gupta & Ms. Urvi
Mohan, Advs. for GNCTD.
SI Ankur Sharma 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 under Article 226 of the Constitution of India by the Petitioner- Bhagwan Das Saini, who was running a tea stall in Rohini, Delhi, *inter alia*, seeking issuance of the Certificate of Vending (*hereinafter 'COV'*) to the Petitioner and for declaring that the demolition of his tea stall by the Respondents was illegal and arbitrary. The Petitioner also prays for an alternative site for vending and putting up his tea stall. The reliefs prayed for in this petition are set out below:

“a) Issue a writ of Mandamus or any other appropriate writ, order or direction directing the



Respondents to issue certificate of vending;

b) Declare that the demolition of the Petitioner's tea stall was illegal, and arbitrary

c) Direct the Respondents to rehabilitate the Petitioner at the same site or in an alternative designated vending zone”

3. The case of the Petitioner is that he had obtained Food Safety and Standards Authority of India (hereinafter, 'FSSAI') registration bearing no. 23320001001253 for opening a tea stall in the year 2016 and had submitted all the documents to the Town Vending Committee (hereinafter, 'TVC') on 25th September, 2021. An acknowledgment receipt was issued to the Petitioner on the very same day bearing number URI- 8965854 and since 2021, he continued to run the tea stall in Rohini, Delhi.

4. The survey was to be conducted in the Rohini area, however, since 2021, the survey has not been completed.

5. It is the case of the Petitioner that his tea stall was illegally demolished on 26th October, 2023 by the officials of the Respondent No. 2- Municipal Corporation of Delhi (hereinafter, 'MCD'). The Petitioner thereafter, sought permission on 1st November, 2023 from the Sub-Devisional Magistrate, North-West District, Rohini to re-build the same. The Petitioner made repeated complaints to the authorities and also wrote a representations to allow the Petitioner to re-build the stall, but no relief was granted. Two RTI applications are also stated to have been filed by the Petitioner to which a reply was received that temporary encroachments have been removed by the Department from time to time.

6. The Petitioner then approached the Delhi High Court Legal Services Committee and filed the present writ petition.



7. The submission on behalf of the Petitioner is that despite the acknowledgment receipt having been issued to the Petitioner, the *Khoka* of the Petitioner has been illegally demolished without any notice by the MCD.

8. Notice was issued in this petition on 13th October, 2025. A status report was to be filed by the Delhi Police and the MCD.

9. On 13th January, 2026, this Court had noted that the MCD had filed the status report dated 10th January, 2026. Paragraph 5 of the said status report reads as under:

“5. That it is pertinent to mention here, that by way of present petition petitioner has prayed to declare demolition of petitioners tea stalls as illegal and arbitrary on 26.10.2023 at SBI Road block-A/4, Near Gurudwara, JJ Colony, Sultanpuri Delhi. That with respect to the said claim made by the petitioner it is important to mention here that no demolition of khokha was done by the department i.e. General Branch, Rohini Zone MCD on 26.10.2023. The fact regarding no action being taken by the respondent i.e. MCD with respect to the present khokha was also communicated to the petitioner vide RTI reply ID No. 1126 dated 25.04.2024.”

10. The Court had considered the said status report on 13th January, 2026 and had observed as under:

“3. A perusal of the said status report signed by Mr. Rahul Panwar, Assistant Commissioner, Rohini Zone, MCD shows that the same is sketchy to say the least. It is completely bereft of any material particulars. It does not deal with any of the main averments made in the writ petition. The status report is completely silent on, inter alia, the following:

i) Whether the acknowledgement receipt for



registration placed at Annexure P-1 of the writ petition is valid and genuine?

ii) Whether any provisional Certificate of Vending was issued to the Petitioner?

iii) Whether any survey has in fact been conducted in Rohini where the Petitioner was allegedly running a tea stall? If yes, then whether the Petitioner was permitted to participate in any survey thereafter?

iv) No physical inspection has been conducted of the subject premises;

v) The photographs which have been placed on record by the Petitioner have not been verified.

4. A mere bald assertion has been made in the status report to the effect that no action was taken on 26th October, 2023 to remove the khoka of the Petitioner from the subject premises.

5. In the opinion of the Court the status report is completely unsatisfactory.

6. Under these circumstances, the Petitioner shall appear before the concerned Assistant Commissioner i.e., Mr. Rahul Panwar with all the relevant documents. After verifying the documents and inspecting the area in question, a proper status report shall be filed subject to payment of Rs.10,000/- as costs to the Petitioner.

7. The costs shall be deducted from the salary of Mr. Rahul Panwar, Assistant Commissioner, MCD.”

11. As per the above order, the MCD was directed to answer various questions that were raised and a further status report was called.

12. Today, a status report dated 5th February, 2026 has been filed under the signatures of Dr. Rahul Panwar, Assistant Commissioner, Rohini Zone, MCD. In this status report, it is stated that the documents were submitted by



the Petitioner to the MCD which were found to be valid and genuine. The same were taken on record by the MCD. An acknowledgment receipt was also issued to the Petitioner. The Surveying Agency appointed by the TVC in the said area could not complete the survey and accordingly, the same was suspended. Therefore, no provisional COV has been issued to the Petitioner till date.

13. According to the said status report, a physical inspection was also conducted by the MCD, however, the *Khoka* was not found. It is again the case of the MCD that the MCD did not demolish the *Khoka* of the Petitioner. The waiver of costs imposed *vide* order dated 13th January, 2026 is also sought by the MCD. The relevant portion of the said status report is set out below:

“4. That in compliance of the Order dated 13.01.2026, the Petitioner duly appeared before the Assistant Commissioner on 21.01.2026 and submitted the below mentioned document:

- I. Aadhar Card of the Petitioner*
- II. Registration certificate (FSSAI) issued by GNCTD*
- III. Copy of Complaint*
- IV. Copy of TVC Survey Slip with the URI number*

5. That the Assistant Commissioner of the concerned department duly verified the documents ie. photographs of site and acknowledgement slip submitted by the Petitioner. The said documents were found to be valid and genuine. All the documents submitted by petitioner have been taken on record. It is pertinent to state that the acknowledgement receipt of street vendor survey issued by surveying agency i.e. All India Institute of



*Local Self Government having URI No.8965854 dated 25.09.2021 for registration submitted by the Petitioner was found to be valid and genuine. However, the said surveying agency could not submitted data of pending and suspended survey. Therefore, COV could not be issued to those street vendors. As per record maintained by the Department, Certificate of Vending was issued only against the completed survey. The copy of documents submitted by the Petitioner are annexed hereto and marked as **Annexure R-1**.*

6. That as per the records maintained by the concerned department of the answering respondent no provisional Certificate of Vending (COV) was issued to the Petitioner.

*7. That a physical inspection was carried out by the department on 23.01.2026 by the field licensing inspector and geo tagged photographs of the site were taken, it was found that the subject premises (Khoka) of the Petitioner was not found at the location where the petitioner claimed to be conducted his operations. Further the photographs submitted by the Petitioner were duly verified from the physical site inspection on 23.01.2026. It has been noticed during physical inspection of the claimed location of Khoka is a Public Road. The photograph of the physical inspection conducted by the department is annexed hereto and marked as **Annexure R-2**.*

8. That as per the records maintained by the answering respondent, the survey of the area was conducted in 2021 and the acknowledgement of survey was issued to the Petitioner, however shape of site was not mentioned in the said acknowledgement. It is germane to state that no survey has been conducted after the year 2021 in Rohini Zone.



9. That by way of present petitioner has prayed to declare demolition of petitioners tea stalls as illegal and arbitrary on 26.10.2023 at SBI Road block- A/4, Near Gurudwara, JJ Colony, Sultanpur Delhi. That with respect to the said claim made by the petitioner it is important to mention here that no demotion of khokha was done by the department i.e. General Branch, Rohini Zone MCD on 26.10.2023. The fact regarding no action being taken by the respondent i.e. MCD with respect to the present khokha was also communicated to the petitioner vide RTI reply ID No. 1126 dated 25.04.2024. A copy of RTI reply ID No. 1126 dated 25.04.2024 is annexed hereto and marked as Annexure R-3

10. That the department has no objection, if the petitioner may carry out vending in said street as per terms and conditions of provisional certificate of vending without causing any obstruction to the traffic.

11. That, with regards to the issuance of certificate of Vending to the petitioner, the petitioner may participate in the next survey of street vendors, as and when the survey is conducted in the Rohini Zone.”

14. Ld. Counsel for the Petitioner submits that the Petitioner is not of good financial standing and that the Petitioner's vend has been demolished illegally. Ld. Counsel further submits that the Petitioner has no source of livelihood as the vend is not being run by the Petitioner.

15. On behalf of the Respondent No.2 -MCD, Mr. Kathuria, ld. Counsel, submits that the inspection of the *Khokha* has shown that there is no vend or *Khoka* of the Petitioner at the spot claimed by him. It is further submitted that the agency which had to complete the survey has now been re-assigned the



work and it has to complete the survey within a period of three months from October, 2026 *i.e.*, by 23rd January, 2026. However, Id. Counsel for the MCD submits that the same has still not been completed and is still underway. It is also submitted that the MCD has no objection if the Petitioner carries out the vending activities.

16. Having heard the Id. Counsels for the Parties and having seen the record, it is surprising to note that the acknowledgment receipt had already been issued to the Petitioner for the participation in the survey. However, since the year 2021, the survey has not taken place and MCD has taken no steps to get the survey completed. Moreover, it appears that it is only recently, *i.e.*, in October that the survey appears to have commenced.

17. The survey in the said area was to be completed by the end of January, however, it has not yet been completed. Accordingly, let steps be taken for completion of the survey within a period of further three months. If the agency appointed by the TVC is unable to complete the survey, the agency shall be changed by the MCD.

18. After completion of the survey, the Petitioner, if found eligible, shall be issued a provisional COV. In the meantime, the Petitioner is permitted to put up his tea stall/vend as a mobile vendor and not as a stationary vendor in the place where he was earlier vending.

19. The usual terms of the provisional COV which are issued by the MCD shall be adhered to by the Petitioner and for the sake of reference, the same are extracted below:

“Terms & Conditions of the Vending Certificate

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.*

20. Subject to the Petitioner adhering to the above terms and conditions, he shall not be disturbed from putting up his tea stall/vend.

21. In the above facts and circumstances, the prayer for waiver of costs is also rejected. The cost shall be paid by the Respondent No.2-MCD within a period of two weeks.

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

23. List for compliance on 4th May, 2026.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

FEBRUARY 12, 2026

b/ck