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

*Date of decision: 19<sup>th</sup> February, 2026*

*Uploaded on: 24<sup>th</sup> February, 2026*

+ **W.P.(C) 16711/2025 & CM APPL. 68602/2025**

MD. SARWAR

.....Petitioner

Through: Ms. Renu, Mr. Piyush Kumar Singh,  
Ms. Arthana Brahma, Mr. Swagata,  
Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND  
ORS

.....Respondents

Through: Ms. Beenashaw N. Soni, SC for MCD  
with Ms. Ann Joseph, Adv.  
Ms. Urvi Mohan, Adv. for GNCTD.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE MADHU JAIN**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. This is a petition filed by the Petitioner seeking directions *inter alia* to the Respondent authorities to allow him to vend peacefully at his vending spot *i.e.*, Opposite 299, AA Block, Near Kela Godam, Shalimar Bagh, Keshav Puram, Ward -N-63.
3. The case of the Petitioner is that he is a vendor vending from the said vending site and holds a provisional certificate of vending bearing **URI 4166151** (*hereinafter, 'the CoV'*).
4. In the said CoV, the Petitioner has been placed under the category of '**Food/Snack with gas Cylinder/Fire**'. Thus, in the present petition, he also seeks for conversion of the category of his vend from '**Food/Snack with gas Cylinder/Fire**' to '**stationary/static street vendor**'.



5. On the last date of hearing, both parties were directed to place on record the photographs of the vend of the Petitioner.

6. Accordingly, the photographs of the vend of the Petitioner have been filed by the Petitioner, as also by the Municipal Corporation of Delhi (*hereinafter, 'MCD'*).

7. The said photographs filed by both parties show starkly contradictory images. On one hand, the Petitioner appears to have filed photographs after removing some of the debris, the bench and stools, and after cleaning the surroundings. Whereas on the other hand, MCD has placed on record the photographs taken on 16<sup>th</sup> February, 2026, which was the last date when the matter was listed, along with the time stamp and google coordinates.

8. The photograph placed on record by the Petitioner, as also by the MCD are reproduced herein below for reference:

- Photograph of the vend filed by the Petitioner:





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- Photograph of the vend filed by the MCD:





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9. Clearly, the Petitioner is attempting to mislead the Court by beautifying and cleaning the cart and the surrounding area and thereafter filing the photographs before this Court.

10. Even the bench set up by the Petitioner next to his cart is not visible in Petitioner's photographs, while the same is clearly visible in the MCD's photograph. There is a clear attempt by the Petitioner to mislead the Court. Moreover, a mobile vend cannot be converted into a street-side stationary stall, in violation of the COV conditions.

11. As has been held by this Court on various occasions, including in *W.P.(C) 19391/2025* titled *Mohd Badruddin v. Municipal Corporation of Delhi & Ors.*, *W.P.(C) 15082/2025* titled *Rajendra Singh v. Commissioner of Police and Ors.* and in *W.P. (C) 1609/2026* titled *Rihana v. MCD & Ors.*, the mobile vendors are not permitted to make stationary/permanent setups in this manner.

12. Further, in the cases mentioned above, the Court has also clearly directed that the vendors falling in the category of '*Food/Snack with gas Cylinder/Fire*' to only keep a small or medium sized gas cylinder for heating of food and snacks. However, as is clearly evident from the pictures placed on record, the Petitioner has kept a large cylinder at his vend, which is clearly impermissible.

13. The Court has also repeatedly directed that the vendors are obliged to keep their surroundings clean, which, even in the photographs of the vend filed by the Petitioner, the Court is not convinced about.

14. Under these circumstances, the Petitioner being in violation of the conditions of his CoV is not entitled to relief.



15. Accordingly at this stage, the Court directs that the Petitioner be subjected to strict compliance of the conditions of his CoV, including the following directions:

- 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 or medium sized 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.

16. 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.

17. In terms of the condition of the CoV of the Petitioner, as also the further



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directions issued above, the Petitioner is granted time of 2 weeks from the date of this order to adhere to all the directions.

18. In case the Petitioner is found to be in violation of the conditions stipulated above even after the said period of 2 weeks granted to him, the MCD is free to take action in accordance with law.

19. The petition is disposed of in said terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH  
JUDGE**

**MADHU JAIN  
JUDGE**

**FEBRUARY 19, 2026/ys/ss**