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

*Date of Decision: 19<sup>th</sup> March, 2026.*

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

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**W.P.(C) 3561/2026**

MUNNA PRASAD

.....Petitioner

Through: Mr. Sanjay Baniwal, Ms. Manisha and  
Mr. R. K. Seewal, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Namrata Mukim, SC (MCD) with  
Ms. Niharika Singh and Ms. Sakshi  
Saxena, Advs. for MCD with Mr.  
Kiran Pal, LI, CNZ, MCD.

**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-Munna Prasad under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Municipal Corporation of Delhi (*hereinafter*, 'MCD') to allow the Petitioner to peacefully vend from the vending site near Main Gate of Mata Sushila Malhotra D.A.V. Public School, Hazrat Nizamuddin East, New Delhi-110013, Central Zone Ward - S- 55 (*hereinafter*, 'the vending site').
3. The brief background of the present case is that, Petitioner is a street vendor who claims to be having a Certificate of Vending (*hereinafter*, 'CoV') bearing **URI No. 7493191** for Central Zone, Ward S-55 under the category



**'Food/ Snack with Gas Cylinder/ Fire'.**

4. The case of the Petitioner is that he is stated to be the son of Late Sh. Ram Prasad and Smt. Savitri Devi and is running a vend in the Hazarat Nizamuddin East area. However, the concerned officials of the MCD are not allowing him to peacefully vend from the vending site.

5. The photograph filed by the Petitioner attached as **Annexure P-3** in the present petition is set out below:



6. On behalf of the MCD, Ms. Namrata Mukim, Id. Standing Counsel has placed on record photographs to show that the entire place near the vending site of the Petitioner is littered and there is a substantial amount of garbage in the said area. The photographs are set out below:





7. Further, Id. Standing Counsel for the MCD has also submitted that Petitioner's vend is outside the Mata Shushila Malhotra D. A. V. Public School, Hazrat Nizamuddin East, New Delhi- 110013, Central Zone, Ward-S-55. The school is stated to have raised complaints with the MCD of the various vendors operating outside the school.

8. The Court has considered the matter. The photographs placed on record would reveal that the Petitioner is vending his wares in complete violation of various terms and conditions of the CoV.

9. There is stark contrast in the photographs placed on record by the Petitioner and the photographs placed on record by the Id. Counsel for the MCD.

10. Moreover, the Petitioner is vending wares in front of the Mata Shushila Malhotra D. A. V. Public School, and is obstructing the ingress and egress of the said school.

11. Further, the Petitioner appears to be a second family member of Shri Ram Prasad claiming a right to vend in the said area near Hazrat Nizamuddin East, New Delhi. It is pertinent to note that today, in *W.P.(C) 3524/2026*, titled '*Ram Prasad (Deceased) through his daughter Rita Devi v. Municipal Corporation of Delhi*', this Court has already dismissed the writ petition filed by the Petitioner's sister, Ms. Rita Devi, with costs.

12. This Court has repeatedly emphasized that filing of misleading photographs to show the vend in a proper manner when in reality, the situation is different, would not be condoned by this Court. The same has been reiterated by this Court in *W.P.(C) 19794/2025* titled '*Om Prakash v. Municipal Corporation of Delhi and Ors.* wherein the Petitioner was running a *chole kulche* vend at the Meherchand Market, Lodhi road and was held liable



for misleading the Court with ‘dressed-up’ images of his vend. The relevant portion of the said order is extracted hereinbelow:

“[...]

9. **The photographs given by the Petitioner when compared with the video given by Ms. Mukim, ld. Counsel shows a completely stark difference in the manner in which the Petitioner is operating the vend.** The Petitioner is in effect, running a small restaurant itself on the footpath which would be impermissible in terms of the CoV, as the Petitioner can only be a mobile vendor.

10. Mr. Mishra, ld. Counsel for the Petitioner prays for parity with other similarly placed vendors for whom Condition No. 11 of the CoV has been waived.

11. **In the opinion of this Court, the Petitioner ought to have come with clean hands in order to seek relief. The photographs filed by the Petitioner are completely misleading and are contrary to the video which has been produced by the ld. Counsel for the MCD.**

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16. Ms. Mukim, ld. Counsel for the MCD, thereafter, through an official of the MCD has produced the live video of the area, which shows that the place is completely littered with garbage. There are several tables where the customers are eating the food. The entire footpath is completely covered. Half the road in front of the cart is encroached. **It is clear that the photographs filed by the Petitioner are completely deceptive. Relevant images from the live video shown to the Court are as under:**

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*17. Clearly the Petitioner is in violation of various terms and conditions of the Certificate of Vending issued to him. The relief sought is that the Petitioner's peaceful vending ought not to be disturbed – which is a relief that cannot be granted when the Petitioner is in violation of the vending conditions. **Under these circumstances, this Court is not inclined to grant any relief to the Petitioner. The Petitioner is also guilty of having misleading this Court by presenting 'dressed-up' images of his cart/vend when the reality was completely to the contrary.** The petition is dismissed with costs of Rs. 10,000/- to be paid to the Delhi High Court Legal Services Committee...”*

13. In view of the above, the Petitioner being in gross contravention of various terms and conditions of the CoV, as also vending his wares in front of the school and the fact the Petitioner has placed on record misleading photographs, the relief sought in the present petition cannot be granted to the Petitioner.

14. Accordingly, MCD shall take action against Petitioner in accordance with law, to ensure that the ingress and egress of the Mata Sushila Malhotra DAV Primary School is not obstructed in any manner by the Petitioner's vend as also by any other vends and carts. The other vends and carts which are selling impermissible substances such as *gutka*, *paan masala*, etc. shall also be removed from the vicinity of the said school, by the MCD.

15. If the Petitioner wishes to vend in terms of the photograph, which has been placed on record as ***Annexure P-3***, he is permitted to approach the Assistant Commissioner, MCD with a representation, who shall consider the same in accordance with law and an order shall be passed after verifying the credentials of the Petitioner.



16. Accordingly, the present petition, along with the pending applications, if any, is dismissed with costs of Rs.5,000/- to be deposited by the Petitioner with the Delhi High Court Legal Services Committee.

17. The bank details of the Delhi High Court Legal Service Committee are as under:

- *Name: Delhi High Court Legal Services Committee*
- *Account No: 15530110008386*
- *IFSC Code: UCBA0001553*
- *Bank and Branch: UCO Bank, Delhi High Court*

18. The said costs shall be deposited within a period of one month and the proof thereof shall be furnished in the Court. If the costs are not deposited, the representations made by the Petitioners shall not be considered by the MCD.

**PRATHIBA M. SINGH  
JUDGE**

**MADHU JAIN  
JUDGE**

**MARCH 19, 2026/b/sm**