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

Date of decision: 21st April, 2026

Uploaded on: 23rd April, 2026

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W.P.(C) 5325/2026

SUNIL KUMAR GANDHI

.....Petitioner

Through: Mr. Aditya, Mr. Vipin Kumar, Mr. Anjani Kumar Mishra, Mr. Kailash Kumar Jha, Ms. Pralika Chakraborty, Mr. Fareeduddin, Ms. Srejal Mishra, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Vaishali Gupta and Ms Rashi Aggarwal, Advs.
Ms. Shilpa Ohri, Additional Standing Counsel
Mr. Jatin Teotia, SPC alongwith Mr. Prakhar Vashisth, Adv.

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- Mr. Sunil Kumar Gandhi under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend from the vending site at the Open Space, opposite M-28, M-Block Market, Greater Kailash-1, South Zone, Ward-S-86, New Delhi.
3. The case of the Petitioner is that he is a street vendor, who has been vending tea and snack items from the said vending site, for several years. The



Petitioner has been issued a *provisional* Certificate of Vending (*hereinafter*, ‘*CoV*’) bearing *URI No. 9450801* under the category of ‘*Others*’, for **South Zone, Ward- S-86**.

4. The photograph which has been filed by the Petitioner is set out below:



5. Ld. Counsel for the Municipal Corporation of Delhi (*hereinafter*, ‘*MCD*’) submits that the Petitioner is vending adjacent to the entrance of the parking area in M-Block Market, Greater Kailash. It is further submitted that the Petitioner is not operating a mobile vend, instead, he is operating a



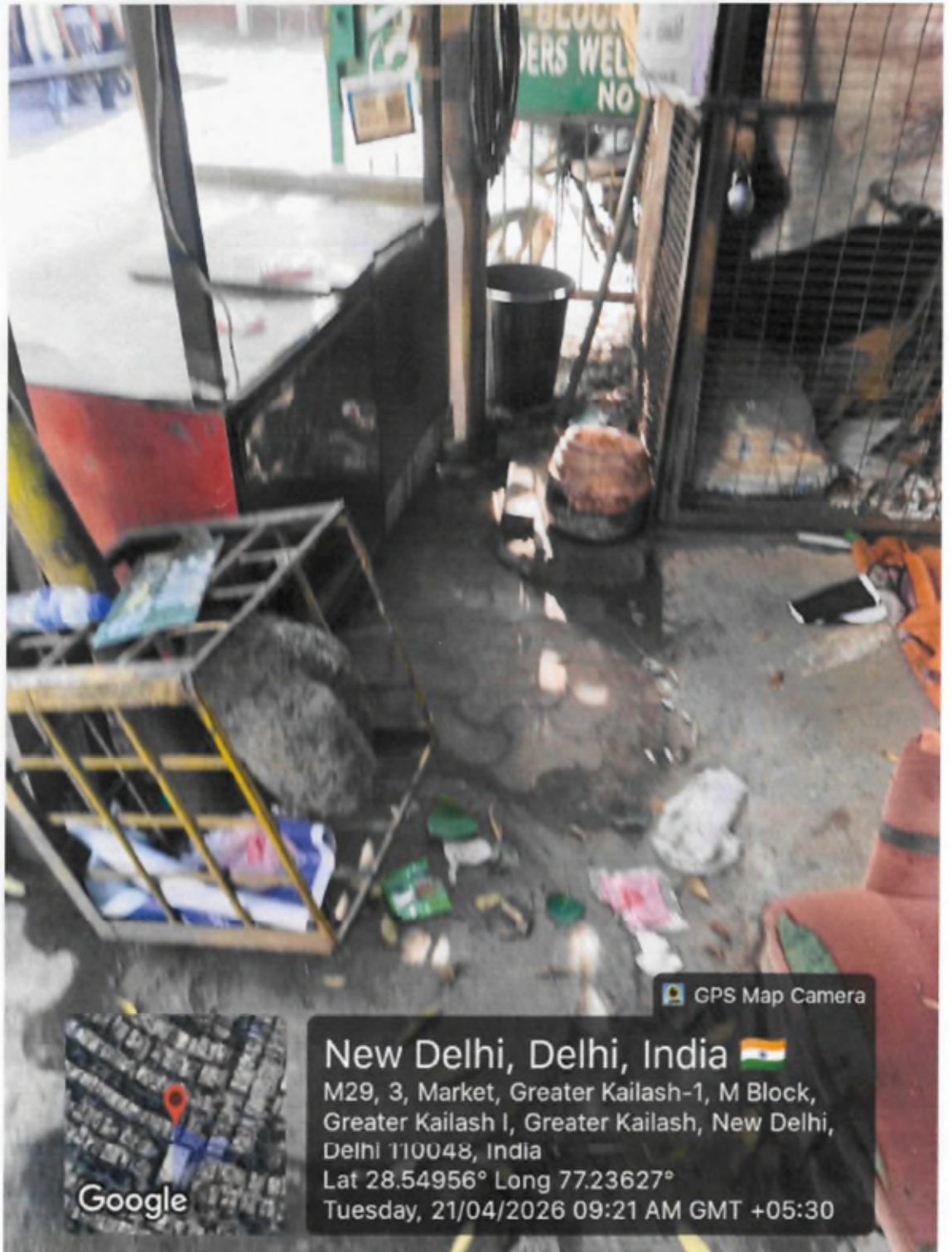
stationary vend with permanent structures. According to the MCD, Petitioner's vending activities results in substantial traffic disruption and congestion in the area, particularly on account of the customers availing Petitioner's services who tend to block the entrance to the parking area.

6. Ld. Counsel for the MCD has placed on record certain photographs. The said photographs are taken on record and are set out below:





2026:DHC:3338-DB





Google

GPS Map Camera

New Delhi, Delhi, India

M32, Greater Kailash-1, M Block, Greater Kailash I, Greater Kailash, New Delhi, Delhi 110048, India
 Lat 28.549515° Long 77.236385°
 Tuesday, 21/04/2026 09:21 AM GMT +05:30



7. The Court has considered the matter. A perusal of the photographs placed on record by Id. Counsel for the MCD would reveal that the Petitioner is not maintaining cleanliness and hygiene near the vending area, and there is a lot of clutter surrounding the vend.

8. Moreover, one of the conditions in the *provisional CoV* is condition no.11, which makes it clear that the Petitioner has to be a mobile vendor. The said condition is extracted below:

“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.”

9. In view of the fact that the Petitioner is a mobile vendor, he cannot be permitted to run a stationary vend.

10. Accordingly, it is directed that the Petitioner shall only be permitted to run a mobile vend, in terms of the *provisional CoV*. The Petitioner shall also be obliged to maintain cleanliness and hygiene. Additionally, the Petitioner is also not permitted to use a gas cylinder, considering that the category in his *provisional CoV* is ***‘Others’***.

11. Subject to compliance with the terms and conditions of the *provisional CoV*, the Petitioner shall be allowed to peacefully vend.

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

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 21, 2026/prg/sm