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

Date of decision: 24th April, 2026

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W.P.(C) 5535/2026

MUNSI PRASAD MEHTA

.....Petitioner

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

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Mehernnisa Anand Advocate for
MCD, Ms. Vaishali Gupta, Panel
Counsel (Civil) GNCTD, Ms. Rashi
Aggarwal ,Advs.
Mr. Sumit K. Batra and Ms. Priyanka
Jindal, Advs.

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. Munsi Prasad Mehta 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 on the footpath, alongside ISBT Boundary Wall, near Foot over Bridge, Kashmere Gate, City-SP Zone, Ward 83-N, New Delhi (*hereinafter, 'the vending site'*).



3. The case of the Petitioner is that he is a street vendor, who has been selling cold drinks, water bottles and other items from the vending site for several years. The Petitioner has been issued a *provisional* Certificate of Vending (*hereinafter*, 'CoV') bearing **URI No. 1673141** under the category of '**Others**' for City-SP Zone, Ward -83-N.

4. The photograph of the Petitioner's vend, which is placed on record, is extracted below:





5. The grievance of the Petitioner is that he has not been allowed to peacefully vend from the vending site, and has been forcefully removed from time to time, by the concerned officials of the MCD and Delhi Police.

6. Ld. Counsel for the Petitioner has placed reliance upon the recent judgment of the Supreme Court dated 9th April, 2026 in *Special Leave Petition (Civil) 21349/2025* titled '*Malkit Singh and Anr. v. State of U.T. Chandigarh and Ors.*'.

7. On the other hand, Ms. Mehrunissa Anand, Id. Counsel appearing for MCD submits that the place where the Petitioner is vending from, is a non-vending zone.

8. Further, Id. Counsel for the MCD has handed over a list of nearby vending areas in the Kashmere Gate ISBT area, and submits that the Petitioner



would have to move to the said vending areas, since no vending is permitted along ISBT boundary wall due to the traffic congestion which is caused.

9. It is also her submission that the street vendors ought not to be permitted in the ISBT area, owing to the safety and security concerns in the said area for passengers, tourists and other travellers.

10. The Court has considered the matter. The Supreme Court in *Malkit Singh and Anr. (supra)*, has observed as under:

“[...]”

*11. While the efforts carried out thus far have apparently borne results and are therefore appreciable, it is a matter of concern for us whether all relevant efforts have been made to regularize such hitherto illegal vendors, including those who are not before us, by granting them space in designated vending zones so as to ensure minimum disruption to their livelihood in the long term. **Any action by the State that disrupts this livelihood must therefore be carried out with care, fairness, and a clear sense of responsibility.***

If vending zones have already been identified and designated, it is not enough for the authorities to simply point to their existence. Removing vendors from familiar locations, even for legitimate public reasons such as easing congestion or improving urban order, creates an immediate need for support. Vending zones are meant to provide a lawful and workable alternative, and that purpose is lost if displaced vendors are left uncertain, uninformed, or unable to access these spaces in practice. Let the State clearly clarify the existing information available at the defined vending zones which in any event have to be acceptable to all concerned.



12. *This kind of assistance is not an act of generosity. It reflects a basic respect for the right to earn a living and to carry on a lawful occupation. When vendors are removed without any real help in relocating, the hardship caused is out of proportion to the regulatory goal, and such an exercise risks becoming punitive rather than orderly.*
In essence, if vendors are displaced through encroachment drives and lawful vending zones are available, the State has a duty to actively support their transition to these zones in accordance with the law. Doing so upholds both the spirit of regulation and the human reality of those whose lives depend on street vending.

13. **It is also to be recognized that forcible shifting or removal of encroachments, while it may be entirely in accordance with law, disrupts the customer base that comes with the shop being located at a particular area. The State is required to undertake efforts to let residents know that the shops have been shifted, i.e., have awareness drives that would divert the customers to the designated area.** Let an affidavit be filed with the relevant details, within two weeks of this order.”

11. In terms of the aforesaid judgement, if street vendors are vending in a non-vending zone, the MCD or the concerned authority has a duty to assist them in moving from a non-vending to a vending zone, so as to provide the street vendors with a workable alternative from where they can earn their livelihood.

12. Further, the fact that the Petitioner has a *provisional* COV is not disputed. Accordingly, after hearing Id. Counsels appearing for the parties and perusing the *provisional* CoV of the Petitioner, as also the photograph, this



Court is inclined to pass the similar directions as have been passed in similar matters.

13. Since the category of the Petitioner is '*Others*', the Petitioner is permitted to run the vend at the vending site, strictly in accordance with the terms and conditions of the CoV.

14. The Petitioner shall also maintain proper cleanliness and hygiene in and around the cart which he is using.

15. 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.

16. In addition, in the present case, since the Petitioner is vending along ISBT boundary wall, which is a non-vending zone, the concerned Assistant Commissioner may identify an appropriate alternative location for the Petitioner, within the permitted vending areas of Kashmiri Gate ISBT area. Until such a location is allotted, the Petitioner shall not be disturbed from vending his wares at the vending site, subject to compliance with the aforesaid conditions.

17. 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**

APRIL 24, 2026/prg/sm