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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) 5546/2026

RAMESH KUMAR

.....Petitioner

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

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Puja S Kalra, Standing Counsel for MCD.
Ms. Poonam, SPC with Ms. Shivam Gaur (GP)
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. The present petition has been filed by the Petitioner- Mr. Ramesh Kumar 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, Netaji Subhash Marg, adjacent to Subway, City-SP Zone Ward 84-N, New Delhi (*hereinafter, 'vending site'*)
3. The case of the Petitioner is that he is a street vendor, who has been vending from the vending site for several years. The Petitioner has been issued



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a *provisional* Certificate of Vending (*hereinafter*, 'CoV') bearing *URI No. 9159074* under the category of '*Food/Snack with gas cylinder/fire*' for City-SP Zone, Ward -84-N.

4. The photograph of the Petitioner's vending site is extracted below:





5. The grievance of the Petitioner is that he is being harassed by the concerned officials of the Municipal Corporation of Delhi (*hereinafter*, 'MCD') and Delhi Police, who are not allowing him to peacefully vend from the vending site.

6. Ld. Counsel for the MCD points out that Netaji Subhash Marg is a non-vending zone.

7. 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.*'.

8. 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.**

9. In terms of the aforesaid judgement, if the 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.

10. 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 being *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.*'

11. Since the category of the Petitioner is '*Food/ Snack with Gas Cylinder/ Fire*', the Petitioner is permitted to run the vend at the vending site, subject to the following conditions:

- i. The Petitioner shall be permitted to operate his vend, but shall use a small 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;
- ii. 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;
- iii. 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;
- iv. 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;

v. 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;

vi. No permanent or temporary construction shall also be erected by the Petitioner;

12. The above stated directions shall be subject to any plan which the Town Vending Committee 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.

13. In addition, in the present case, since the Petitioner is vending at Netaji Subhash Marg, 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 the same zone. 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.

14. 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