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

*Date of decision: 26<sup>th</sup> May, 2026*

*Uploaded on: 27<sup>th</sup> May, 2026*

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**W.P.(C) 1646/2026**

JITENDRA SINGH

.....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. Shilpa Ohri, ASC with Ms. Shweta Singh, Advs. for MCD. Mr. Gyanendra Kumar, Adv. for DMRC. Mr. Naginder Benipal SPC, Mr Ankit Siwach, Mr. Arjun Baliyan, Advs. for R2 & R4.

**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 seeking *inter alia* directions from the Court to the Respondents to the effect that the Petitioner be allowed to peacefully vend from his vending spot *i.e.*, on the footpath/open space, MB Road, near Ratiya Marg, Sangam Vihar, Central Zone, Ward S-83.



3. It is the grievance of the Petitioner that despite him having a proper Certificate of Vending (*hereinafter*, 'CoV') to vend in Ward S-83, Central Zone area, he is being harassed by the Respondents.

4. The photograph of the vend of the Petitioner has also been placed on record and the same has been extracted below:



5. The grievance of the Petitioner is that, the Petitioner's vend has been removed and he is not being permitted to vend.



6. The matter was considered on 5th February, 2026 on which date the Municipal Corporation of Delhi (*hereinafter*, 'MCD') had taken a position that the Delhi Metro Rail Corporation (*hereinafter*, 'DMRC') was carrying out some construction work and that the Petitioner may have been removed by the DMRC.

7. Accordingly, notice was issued to the DMRC and status reports were directed to be filed by the DMRC and the MCD.

8. The status report of DMRC has been filed which shows that the stand of the DMRC is that for construction of a metro pier (P-159) as part of DMRC Phase-IV construction work, the Petitioner was removed. However, the DMRC has no objection if the Petitioner starts vending in the said place. The relevant portion of the affidavit of the DMRC is set out below:

*"4. I say that the location on the footpath/open space, MB Road, near Ratiya Marg, Sangma Vihar, Central Zone, Ward S-83, where the Petitioner's stall was located, was identified as a proposed location for a Metro pier (P-159) as part of DMRC Phase-IV construction work (Delhi Aero City to Tughlakabad corridor). The construction work necessitated the temporary removal of any obstructions, including Petitioner's stall, to facilitate the casting of pier and erection of girder at the subject location. The said pier has now been successfully constructed and construction activity at that subject location is complete.*

**5. I say that DMRC has no objection to the Petitioner reinstalling his stall at the aforementioned location, as the area required for the pier construction is now a permanent structure and the surrounding space can be utilized."**

9. The above affidavit has been deposed by the Joint General Manager



Legal, DMRC- Mr. Vineet Sharma.

10. On behalf of the MCD the status report states as under:

*“12. That it is also stated herein that in order to ascertain the site position of the vending spot at footpath/open space, MB Road near Ratia Marg, Sangam Vihar, Ward No.170, the same has also been got inspected through area field staff of Licensing Department of Central Zone / Respondent – MCD on 19.03.2026 & 20.03.2026. During the said inspections, the aforesaid site was found vacant and counter/rehri of the petitioner was also not found placed at site. However on local enquiry it has been informed that the petitioner has presently gone to his native place. The photograph as taken during the aforesaid inspection is also annexed herewith as Annexure–A (Colly) for kind perusal of this Hon’ble Court.*

*13. That during the inspection, development/construction work of DMRC was found in progress and it has been gathered that the petitioner herein was removed by the DMRC authorities since he was coming in the alignment of development/construction work*

*XXX*

*15. That considering the above, petitioner herein is required to carry out his vending activity strictly adhering to the directions passed by this Hon’ble Court and also subject to the term and conditions of COV as issued to him.*

*16. That more-over, it is also humbly prayed that the Hon’ble Court may also kindly pass the necessary directions that the petitioner herein shall not claim any vested right in respect of site in question till the final decision is taken by the New*



*Town Vending Committee-II as an when constituted.*

*Hence, in view of the above given facts and circumstances, it is most respectfully prayed that the instant Writ Petition may kindly be disposed of with appropriate directions, in the interest of justice.”*

11. After having considered the matter, it is clear that the DMRC has no objection in the Petitioner is continuing his vending.

12. The Petitioner has a CoV which is with “*Food/ Snacks with gas cylinder/ fire*”. In similar cases, the Court has imposed several conditions and has permitted vendors to vend. Accordingly, 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 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. ”*

13. 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.

14. Subject to above, the Petitioner shall not be disturbed.

15. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH  
JUDGE**

**MADHU JAIN  
JUDGE**

**MAY 26, 2026/b/msh**