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

Date of decision: 26th May, 2026

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+ **W.P.(C) 7606/2026 & CM APPL. 36775/2026**

RAJPAL

.....Petitioner

Through: Mr. Kamlesh Kumar Mishra, Mr.
Swagat Gupta, Ms. Renu and Mr.
Navy Charlie, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Ms. Puja S. Kalra, SC with Mr.
Virendra Singh, Adv. for MCD.
Ms. Amish Tandon and Ms. Akanksha
Mishra, Advs for R2 to R5.

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, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend at his designated spot *i.e.*, near Kashmere Gate (Police Station), SP Zone, Ward 84-N, New Delhi.
3. This is a petition filed by a street vendor who has been given Certificate of Vending (hereinafter “CoV”) bearing URI No. 9336593 under the category of “Food/ Snacks with gas cylinder/ fire”.
4. The case of the Petitioner is that he is vending in a mobile cart.



However, authorities are repeatedly harassing and obstructing his vending.

5. The photograph of the cart has been set out in the petition which is extracted here:



6. Ld. Counsel for the Respondent submits that the Petitioner is using a *Tandoor* and is occupying more area than is permissible. Also, he does not operate as a mobile vendor which is in violation of the terms and conditions of the CoV. Further, the Petitioner is stated to be vending in a non-vending zone.



7. After hearing Id. Counsels for the parties, it is directed that the Assistant Commissioner, MCD of the concerned area shall identify the space/area from where the Petitioner can vend. Upon such identification being made, the Petitioner shall move his cart at the said space/area and shall only vend from the allocated area/spot.

8. Further, this Court has dealt with similar matters falling under the same category of 'Food /Snack with gas cylinder/fire'. Recently, in a similar matter *i.e.*, in ***W.P.(C) 19391/2025*** titled ***Mohd Badruddin v. Municipal Corporation of Delhi & Ors.***, a vendor with a provisional CoV, who was also entitled to vend 'Food/Snacks with gas cylinder/fire', has been exempted by this Court to comply with Condition No. 11 of the CoV. The said Condition No. 11 of the COV reads as under:

“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. Since the category of the Petitioner is '**Food/ Snack with Gas Cylinder/Fire**', the Petitioner is permitted to run the vend at the allotted 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.”

10. Further, the Petitioner shall also not keep a *Tandoor* outside of the cart.
11. 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.
12. 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