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

Date of decision: 1st October, 2026.

Uploaded on: 5th October, 2026.

CNR No. DLHC010476552026

+ **W.P.(C) 14642/2026**

SUDESH KUMAR

.....Petitioner

Through: Mr. Aditya, Advocate.

versus

**MUNICIPAL CORPORATION OF
DELHI AND ORS**

.....Respondents

Through: Ms. Puja S Kalra, Standing Counsel
with Mr. Virendra Singh, Advocate for
MCD.

Mr. Nitin Kumar, Advocate, GNCTD
PC, Civil for R-3.

Mr. Ram Kumar, Advocate for R-4.

**CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT**

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India being aggrieved by the seizure of the goods of the Petitioner on 22nd September, 2026 by the officials of the Municipal Corporation Department (*hereinafter 'MCD'*) and also to declare the levy and recovery of Rs.3,700/- from the Petitioner as unauthorised as also illegal and



arbitrary.

3. This is the second writ petition being filed by the Petitioner. In the earlier round in **Writ Petition Civil 11991/2026** titled **Sudesh Kumar v. Municipal Corporation of Delhi and Ors**, the Petitioner was permitted to vend in the following terms:-

“7. The Court has considered the facts of this case. This Court is inclined to pass similar directions as have been passed in similar matters recently, wherein, vendors are vending under the category of ‘Food/Snack with gas cylinder/fire’ i.e., in W.P.(C) 15082/2025 titled ‘Rajendra Singh v. Commissioner of Police and Ors.’ vide order dated 2nd February, 2026, W.P.(C) 19391/2025 titled ‘Mohd Badruddin v. Municipal Corporation of Delhi & Ors.’ vide order dated 8th January, 2026 and in W.P. (C) 1609/2026 titled ‘Rihana v. MCD & Ors.’ vide order dated 05th February, 2026.

8. In this background, to protect the livelihood of the Petitioner, the present petition is disposed of in the following terms:

(i) The petitioner shall abide by the terms and conditions of the provisional CoV;

(ii) 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 gas cylinder for heating of food and snacks shall be used by the Petitioner;

(iii) The Petitioner shall restrict himself to a particular space which shall not in any manner cause obstruction to the movement of pedestrians or cause any traffic congestion to vehicular traffic on the roads;

(iv) 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;

(v) 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;

(vi) 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;

(vii) No permanent or temporary construction shall also be erected by the Petitioner.

9. 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.”

4. Ld. Counsel for the MCD submits that a cleanliness drive was to be undertaken by the MCD and the Petitioner along with a few other vendors refused to move. It was also found that the conditions which were imposed by the Court upon the Petitioner were not complied with as cleanliness was not being maintained. Therefore, seizure was effected on 22nd September, 2026 and now after imposing the fine, the goods have been released on 24th September, 2026 by the MCD.

5. The Petitioner's grievance is that the fine has been imposed in a wrong category as he was a licensed vendor.

6. Moreover, whenever such cleanliness drive or sanitation drive is being undertaken by the MCD for a few hours, vendors are expected to cooperate. Such drives are essential to clear up any garbage, clean the drains, desilt the drains, undertake fogging for checking mosquito breeding etc., Vendors cannot create obstruction against such drives. The MCD also ought to work with the vendors rather than harassing them or treating them badly. Finally, this Court is of the opinion that the issue as to whether cleanliness was



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maintained or not by the Petitioner would be an issue of fact which this Court cannot go into in this petition.

7. The Petition is disposed of with the direction that the Petitioner is free to file a civil suit, if so advised, and avail of his remedies in accordance with law.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

OCTOBER 1, 2026/MR/as

Signature Not Verified

Signed By: KAMLA
RAWAT
Signing
Date: 05.10.2026 18:04

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