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

Date of Decision: 23rd November, 2026
Uploaded On: 25th November, 2026

\# **CNR No. DLHC010237002026**

\+ **W.P.(C) 7331/2026**

GIRISH PRASAD TIWARI .....Petitioner

Through: Mr. Aditya, Mr. Vipin Kumar, Ms. Praliks Chakraborty, Mr. Anjani Kumar Mishra and Mr. Fareeduddin, Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS .....Respondents

Through: Ms. Meherunnisa A. Jaitley Adv. Mr. Aryan Tyagi Advocates for R-1 R-2 Ms. Vaishali Gupta, Panel Counsel (Civil) GNCTD, Mr. Manas Parashar, Advocate for R-3

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, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to allow the Petitioner to peacefully vend at his vending site, *i.e.*, on the Footpath, near Jain Mandir Gate, Netaji Subhash Marg, City-SP Zone, Ward-84-N, New Delhi.

3. The matter was listed on 22nd May, 2026 when the ld. Counsel for the

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Municipal Corporation of Delhi (hereinafter, *'MCD'*) had appeared on advance notice and submitted that the Petitioner is unavailable whenever the officials visited his vending site. Ld. Counsel for the MCD had also submitted that the Petitioner is presently vending in a *'No-vending zone'*.

4. Accordingly, the Court *vide* order dated 22nd May, 2026 directed as under:-

> *"4. Let the Assistant Commissioner, MOD, allot an alternate site for the vending of the Petitioner and the same shall be accepted by the Petitioner for the time being. Thereafter, the present writ petition shall be considered.*
>
> *5. The alternate site shall be communicated by MCD to the Petitioner, as also to the Id. Counsel appearing for the Petitioner."*

5. The matter was then adjourned. A status report has now been filed by the MCD which states that when the electoral roll for Town Vending Committee (hereinafter, *'TVC'*) elections consisting of Certificate of Vending (hereinafter, *'CoV'*) holders and existing *tehbazari* holders were conducted, the Petitioner's name was not part of the said electoral roll.

6. In fact, the Petitioner was not found at the vending spot at all. The Petitioner also did not take any objection for his name not being included in the electoral roll. Thus, the standing of the Petitioner as a provisional CoV holder itself is in doubt. Accordingly, ld. Counsel for the MCD submits that TVC-II would have to take a decision in this matter.

7. After hearing the ld. Counsel for the parties, it is directed that after constitution TVC-II, the case of the Petitioner shall be decided as to whether the Petitioner is to be given the final CoV or not and if so, the area where he

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is supposed to vend and under which category.

8. The said decision shall be taken within two months after the TVC-II is constituted. It is however made clear that the Petitioner shall not vend in any *'No-vending zone*'.

9. In the meantime, the Petitioner shall appear before the concerned Assistant Commissioner, MCD on **8th December, 2026 at 2:30 P.M**. After perusing the credentials of the Petitioner, if the Assistant Commissioner, MCD deems fit, an alternate site shall be allotted to the Petitioner to vend. However, it is made clear that the Petitioner shall vend strictly in terms and conditions of the CoV.

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

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 23, 2026
'*rs'/ck*

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