$~71

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

Date of Decision: 26th November, 2026
Uploaded On: 27th November, 2026

\# **CNR No. DLHC010559952026**

\+ **W.P.(C) 17250/2026 & CM APPL. 80663/2026**

NAND KISHOR .....Petitioner

Through: Mr. Bibhuti Bhushan Mishra, Mr. Dhruv Chauhan, Mr. Keshav Kumar and Mr. Vishal Tripathi, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS. .....Respondents

Through: Ms. G. Priyadarshni, Mr. Rahul Shyam Bhandari, Mr. Satyam Pathak, Ms. Sanskriti Sharma and Mr. Abhishek Thakur, Advocates for R-1.
Mr. Devvrat Yadav, Mr. Kartik Sharma and Mr. Manhan Chawla, Advocates.
Ms. Vaishali Gupta, Panel Counsel (Civil) Gnctd, Mr. Akhil Yadav, Advocates 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 Petitioner has filed the present petition under Article 226 of the Constitution of India seeking directions for issuance of a Certificate of Vending (*hereinafter* 'CoV') and permission to vend from the recognized

Signature Not Verified
Signed By:DHIRENDER KUMAR
Signing Date:27.11.2026 16:11

vending site in terms of the acknowledgement receipt which has been issued to him by the New Delhi Municipal Council (*hereinafter* 'NDMC') dated 26th June, 2025.

3. The Petitioner claims rights to vend in the Palika Bazaar area and allegations were made against the NDMC that various sites have been given to other vendors in the Palika Bazaar area. Taking the submissions made on behalf of the Petitioner to be true, *vide* order dated 25th November 2026, this Court had directed NDMC's counsel to take instructions in the matter.

4. Today, the Court has heard Ms. G. Priyadarshini, ld. Counsel for the NDMC. The actual facts of the case are extremely glaring. The Petitioner had filed two earlier writ petitions being ***W.P. (Civil) 9217/2024***, titled ***Nand Kishor v. New Delhi Municipal Council & Anr.*** and ***W.P. (C) 2199/2025*** titled ***Nand Kishor v. New Delhi Municipal Council & Anr.***

5. In the first writ petition being ***W.P. (C) 9217/2024***, a Co-Ordinate Bench of this Court had disposed of the petition in the following terms:-

> *"1. The petitioner is a street vendor and has filed the present petition inter alia praying that directions be issued to the respondent no.2 to allocate any vending site to the petitioner.*
> *2. The petitioner claims that he has been carrying on vending activities at the site described as "In the area near Gate No.4, Palika Bazar, Delhi". Petitioner claims that he has been carrying on his vending activities from the said site since 2004. The petitioner's name is also mentioned in the list of 628 vendors who were considered eligible for allotment of spaces in the NDMC area in the year 2012 for the purpose of carrying out vending activities.*
> *3. The area of Rajiv Chowk and Indira Chowk have been declared as no-hawking/no-vending zone as per the scheme prepared in the year 2007 and thus the*

Signature Not Verified
Signed By:DHIRENDER KUMAR
Signing Date:27.11.2026 16:11

petitioner has been unable to carry on vending activities in the said area.

4. The petitioner has produced challans to substantiate his claim that he was carrying on vending activities at the given site. However, it is noticed that the last challan as annexed with the petition was issued in the year 2016.

5. Mr. Peechara, learned counsel appearing on behalf of NDMC/respondent no.1 submits that the petitioner has not been vending at the site in question since at least 8 years, and there is no evidence or material on record to substantiate the petitioner's claim of carrying on vending activities from the said site near Palika Bazar during this period.

6. Learned counsel appearing on behalf of the petitioner submits that the petitioner's livelihood depends on carrying on vending activities. It is thus essential that the respondents indicate some alternate area from where the petitioner can carry on his vending activities.

7. We find merit in the respondent's contention that there is no material on record to indicate that the petitioner has been carrying on vending activities at the site referred to in the petition since the past 8 years. However, in view of the challan supplied by the petitioner, it is also clear that the petitioner was carrying on vending activities near Palika Bazar at least till the year 2016.

8. ***In the given circumstances, we consider it apposite to permit the petitioner to file an application with the concerned authorities for seeking allotment of any area from where he can carry on his vending activities in accordance with the given norms [Open To Sky 6X4 feet].***

9. If any such application is filed within a period of 2 weeks from date, we request the concerned authorities to consider the same within a period of 4 weeks thereafter.

10. The present petition is disposed of in the aforesaid terms.

Signature Not Verified
Signed By:DHIRENDER KUMAR
Signing Date:27.11.2026 16:11

> *11. It is needless to state that any such allocation would be purely on a temporary basis till the vending plan is being prepared in accordance with Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014."*

6. In the second writ petition, *i.e.*, ***W.P. (C) 2199/2025***, again, a Co-Ordinate Bench of this Court had disposed of the petition in the following terms:-

> *"4. Prior to the filing of the present petition, the petitioner had filed another petition, being W.P.(C) No.9217/2024 captioned Nand Kishor v. New Delhi Municipal Council & Another praying that the respondents be directed to allocate another vending site to the petitioner since the site where the petitioner was vending was declared as a no-vending/no-hawking zone.*
>
> *5. Undeniably, the areas of Rajiv Chowk and Indira Chowk have been declared as no-hawking/no-vending zone as per the scheme prepared in the year 2007 and thus the petitioner could not carry on his vending activities in the said area. Notwithstanding the same, this court vide an order dated 09.07.2024 considered it apposite to permit the petitioner to file an application to the concerned authorities for allotment of an area, as a temporary measure, where he can carry on his vending activities. The said order was passed on the basis that the petitioner's name featured in the list of eligible vendors for draw of lots to be conducted for allocation of tehbazari space in the year 2012 and the petitioner had produced the challan, which indicated that at least in the year 2016, the petitioner was carrying on vending activities. It is material to note that New Delhi Municipal Council (NDMC) had stoutly contested the petitioner's claim essentially on two grounds. First, that the petitioner was an unauthorised vendor and carrying on his vending activities, if at all, at Gate No.4, Palika*

Signature Not Verified
Signed By:DHIRENDER KUMAR
Signing Date:27.11.2026 16:11

Bazar, New Delhi was in violation of the scheme framed in the year 2007. Thus he had no right for claiming the alternative tehbazari site. Second, it was submitted that the petitioner was not carrying on vending activities since the last eight years and, therefore, could not claim any right to be allotted any space for carrying on his vending activities.

6. Notwithstanding the aforesaid submissions, this court had acceded to the petitioner's request and directed that concerned authorities to consider the petitioner's application for allotment of an area from where he could carry on the vending activities in accordance with stipulated norms (Open to Sky / 6 X 4 Feet) space. The court also clarified that this was purely on temporary basis till a vending plan is prepared and put in place under Section 21 of the Act.

7. Pursuant to the said order, NDMC had allocated the vending site to the petitioner at Laxmi Bai Nagar Market, New Delhi. The petitioner, is thus, at liberty to carry on his vending activities from the place allocated at Laxmi Bai Nagar Market. The learned counsel for the petitioner states that the new allocated place does not have sufficient footfall for carrying on vending activities by the petitioner and the petitioner, now seeks that the vending site be changed and he be accommodated at Mohan Singh Market.

8. We are unable to accept that any such direction can be issued. At this stage, no space can be allocated for vending to the street vendors as a vending plan has not been prepared as yet. The space allocated to the petitioner is only a temporary measure to enable the petitioner to carry on his vending activities. The petitioner had no right to vend his wares in the no vending/no hawking area and has no right to resist eviction from that area. The petitioner has no right to carry on vending activities at Mohan Singh Market.

*9**. In view of the above, the present petition is dismissed. However, it is clarified that this would not***

Signature Not Verified
Signed By:DHIRENDER KUMAR
Signing Date:27.11.2026 16:11

preclude the petitioner from participating in the survey, which is going on and to seek allotment of the space at an appropriate stage in accordance with law. Pending applications are also disposed of. *"*

7. A conjoint reading of these two orders shows clearly that in the first order, the Court had directed the Petitioner to file an application before the concerned authorities and the authorities were to consider the same within a period of four weeks. Thereafter, in the second writ petition, the Court records clearly that the NDMC had allotted a vending site to the Petitioner at Lakshmibai Nagar Market.

8. However, the grievance of the Petitioner in the second writ petition, was that the said Lakshmibai Nagar Market did not have sufficient footfall and therefore, he seeks rights to be accommodated at Mohan Singh Market. This particular contention was rejected by the Co-Ordinate Bench and the Court clearly held that he does not have a right to resist eviction or carry on vending at Mohan Singh Market. The petition was then dismissed.

9. Despite the same, the Court had permitted him to participate in the survey and seek allotment of the space at the appropriate stage.

10. Both these orders were concealed by the Petitioner while filing the present writ petition – which is the third writ petition. Though the Petitioner filed orders relating to other vendors in the present petition, the Petitioner failed to file the orders concerning his own casse and has deliberately misled the Court.

11. Ld. Counsel for the Petitioner, Mr. Bibhuti Bhushan Mishra, submits that he was not aware of these orders.

12. This contention is not an acceptable contention to the Court. The

Signature Not Verified
Signed By:DHIRENDER KUMAR
Signing Date:27.11.2026 16:11

present petition is accordingly dismissed with exemplary costs of Rs.50,000/, to be paid by the Petitioner to the NDMC for concealment of material facts within two weeks. No relief is liable to be granted in the present petition.

13. If the costs are not being deposited, even the participation in the survey by the Petitioner shall be treated as void.

14. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 26, 2026/MR/nd

Signature Not Verified
Signed By:DHIRENDER KUMAR
Signing Date:27.11.2026 16:11