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

Date of Decision: 3rd August, 2026

Uploaded on: 5th August, 2026

CNR No. DLHC010348222022

+ **W.P.(C) 13306/2022**

MANIK CHAND & ORS.

.....Petitioners

Through: Mr. Vishhal Saxxena, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI AND

ANR.

....Respondents

Through: Mrs. Sangeeta Chandra, Standing
Counsel for MCD along with Ms.
Bhawna, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. This is a writ petition filed under Article 226 of the Constitution of India on behalf of the 42 Petitioners, who claim to be having provisional Certificates of Vending (hereinafter, 'CoV'). The prayer in this writ petition is as under:-

“(i) pass an order, direction and/or any other appropriate Writ in the nature of Mandamus directing the Respondents to indicate the exact site of the petitioners in the column of site where vending is permitted to the petitioners;

(ii) pass an order, direction and/or any other appropriate Writ declaring the action of the Respondents in not indicating the correct site in the column of vending certificate which is illegal, unjustified and contrary to the directions of this Hon'ble Court; and



(iii) *pass such other or further Order/s as Your Lordships may deem fit and proper in the facts and circumstances of the present case.”*

3. However, a perusal of the petition would show that only one affidavit of Shri Manik Chand has been filed and only one provisional CoV of Mr. Jagdamba Prasad bearing URI No. 6062065 has been placed on record.

4. There was a specific direction *vide* order dated 3rd February, 2025 by which all the Petitioners were directed to file their personal affidavits. The said direction reads:

“1. The learned counsel appearing for the petitioners’ states that petitioner no.1 has died and his legal heirs are required to be brought on record.

2. List before the concerned Registrar on the date already fixed, that is 13.05.2025. In the meanwhile, all petitioners shall file their personal affidavits affirming the contents of the present petition.

3. We clarify that this court has not passed any interim order in the present petition and the pendency of the same shall not be construed as interdicting the respondents in any manner from performing their duties.”

However, no affidavits have been filed in this regard till date.

5. The stand of the Municipal Corporation of Delhi (hereinafter, ‘MCD’) is clear that these Petitioners are at best mobile vendors and they do not have any identified stationary site which can be allotted to them.

6. Heard. The photographs which are placed on record would also show that the Petitioners are not vending as mobile vendors but stationary shops and have encroached upon the footpath, the walking area and also creating traffic congestion in the area. The vending sites are also not being maintained



in a clean and hygienic manner by the Petitioners.

7. A perusal of the prayer would show that the Petitioners want to claim fixed sites of vending under provisional CoVs. In the opinion of this Court, this cannot be permitted. The provisional CoVs are all attached with terms and conditions which are applicable to all CoV holders. The said terms and conditions are extracted below:

“1) No other permanent and long selling certificate is available with the vendor.

2) Vending certificate shall not be transferable.

3.)It shall be essential for the vendor to adhere to selling time and zone fixed by TVC and not local authority.

4.)The vendor shall not in any manner give on rent/lease of vending certificate.

5.)The vendor shall not be suffering from any contagious disease at present.

6.)The vendor shall keep the selling site/zone and nearby area cleaned and shall take care of the health of public.

7.)The vendor shall keep one copy of the vending certificate at the main of the vending site, at the time of need original documents shall be produced before TVC/concerned Inspector.

8.)The street vendor shall take all efforts to see that there is no obstruction in passage of pedestrian and traffic.

9.)The vendor shall not sell any dangerous and polluted items. It shall also be ensured that the products sold to the public and the services provided is in conformity with the norms fixed by the Public Health Department and Security norms.

10.) The street vendors shall not encroach or carry on any illegal activity.

11.) The mobile vendor shall not stay more than 30 minutes in any area of hawking vending zone and shall not stay more than the time fixed by TVC or shall not



carry on any selling work. The same shall not stay in any non-vending zone or shall not carry on any sale work there.

12.) The vendor shall not block footpath and shall not have selling work on road. The pedestrians' footpath in front of vending counter stall should be taken care of.

13.) On the ground of violation selling certificate can be cancelled or suspended.

14.) The vendor shall not erect any permanent/temporary structure.

15.) The vendor shall take care of local law and shall work in health related situations in conformity with the orders of the courts.

16.) The vendor shall follow all the conditions mentioned in Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme of 2019 of Delhi Government.”

8. The Court is also not even clear in this case as to whether all the Petitioners even have provisional COVs or not. Accordingly, the following directions are issued in the present case:-

1) The MCD shall take steps and verify whether all the 42 Petitioners herein have provisional CoVs or not. Upon verification, the Petitioners shall be allowed to vend as mobile vendors.

2) All the provisional CoV holders shall abide by the remaining terms and conditions of the CoV extracted above.

3) In addition, the Petitioners shall also abide by the following conditions:-

a) The Petitioners shall restrict themselves to a particular space, where they are operating from, and shall not extend/encroach to the pedestrian areas or cause obstruction in movement of pedestrians;



- b) The Petitioners shall also be obliged to maintain cleanliness and hygiene around the vend, which they are working from and shall ensure the presence of a dustbin near the vend;
- c) The Petitioners shall only carry out vending activities as mobile vendors and shall not sub-let the provisional CoVs issued to them.
- d) No permanent or temporary construction shall also be erected by the Petitioners;

9. Any Petitioner or vendor who does not have a provisional CoV or who is not complying with the abovementioned conditions, would be liable to be removed by the MCD.

10. 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.

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

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

AUGUST 3, 2026/MR/CK