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

Date of decision: 4th November, 2026
Uploaded on: 6th November, 2026

\# **CNR No. DLHC010536082026**

\+ **W.P.(C) 16470/2026**

SHEELA RANI .....Petitioner

Through: Mr. Aditya and Mr. Vipin Kumar, Advocates.

versus

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

Through: Ms. Shilpa Ohri, Adv. for MCD.
Mr. Vaishali Gupta, PC Civil, GNCTD and Mr Akhil Yadav, Advocates.
Mr. Rajesh Kumar, SPC for UOI with Mr. Yash Narain & Mr. Nimit Kumar, Advs. for UOI.

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 in this case is a provisional Certificate of Vending holder bearing URI No.6857699 *(hereinafter, 'CoV')* under the category of "Food/Snack with gas cylinder/fire" in the area Najafgarh Zone, Ward -S-31, New Delhi.

3. The prayer of the Petitioner is that she may be allowed to peacefully carry out her vending activities at her vending site *i.e.*, On the open space, near Gali No. 4, beside Drain, West Sagarpur, Najafgarh Zone, Ward -S-31,

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New Delhi *(hereinafter, 'vending site')* without any hindrance being caused by the authorities.

4. Ms. Shilpa Ohri, ld. Counsel appearing on behalf of the MCD has handed over multiple videos to show the manner in which all the vendors in the concerned area have encroached upon the road itself, thereby causing enormous traffic congestion. The videos also show how public announcements were made and all vendors were told to move their unauthorized vending carts, equipment, cylinders, *kadhai* and *tawas* etc.

5. It is her submission that on the main road, despite the public announcements, the vendors refused to move. In fact the vendors are not permitted to vend in this manner and all of them are vending as stationary vendors, despite the conditions stipulated in their respective COVs which requires them to vend as mobile vendors. It is urged by ld. Counsel for the MCD that the use of big *Tawas* and *kadhai* with oil also causes a safety concern for pedestrians and vehicles moving in the area.

6. It is stated that despite repeated announcements, when the vendors did not move, the MCD had no option but to take proceedings for seizure of all the vends, the accompanying stationary equipment and utensils etc., which were lying on the vends, including those of the Petitioner herein.

7. Heard. The Court has perused the videos, as also the images which have been shown on behalf of the MCD. The photographs and other documents handed over by ld. Counsel for the MCD are taken on record. The pen-drive containing the videos is also taken on record. Let all the videos be tagged to the electronic file of this case.

8. Clearly, the local authorities i.e. the Councillor, the MCD authorities and the local Police are making repeated announcements, asking the vendors

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to move out of the area, however, there appears to be no cooperation given by the vendors.

9. It was under such circumstances that the vends appeared to have been removed, along with all the belongings of the vendors.

10. In the opinion of this Court, the action of the MCD is fully justified, considering the manner in which the vendors had encroached upon more than half of the road itself, which was meant for vehicular use.

11. Under such circumstances, this Court is not inclined to interfere with the action taken by the MCD.

12. However, since the Petitioner is a provisional COV holder, the following directions are issued in this matter:

i. The Petition shall approach the MCD for release of all the goods including *Rehdi*, utensils, Tawas, etc. The Petitioner shall be free to seek release of the same after paying the penalty, as applicable;

ii. The Petitioner shall appear before the Assistant Commissioner (MCD) of the area on **16th November, 2026 at 11:30 am,** who shall identify an alternative space for vending of the Petitioner within a period of one week from the Petitioner approaching the Assistant Commissioner.

13. Upon allocation of the vending site, the Petitioner shall be bound by the conditions of her COV, as also the following conditions:

i) The Petitioner shall be permitted to operate her 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 herself to a particular space, where she is operating from, and shall not extend/encroach to the pedestrian

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areas or cause obstruction in movement of pedestrians;

iii) The Petitioner shall also be obliged to maintain cleanliness and hygiene around the vend, which she is working from and shall ensure the presence of a dustbin near the vend;

iv) No permanent or temporary construction shall also be erected by the Petitioner;

v) Subject to the above, Condition No. 11 provided above shall not apply to the Petitioner. The Petitioner shall comply with all the other conditions stated above.

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.

14. The present order shall be subject to the decision of the TVC-II after being constituted.

15. Further, the above stated directions shall be subject to any vending 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.

16. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 4, 2026/*dk/ss*

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