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

Date of Decision: 5th November, 2026
Uploaded on : 10th November, 2026

\# **CNR No. DLHC010537482026**

\+ **W.P.(C) 16486/2026**

SUNIL KUMAR .....Petitioner

Through: Mr. Aditya, Mr. Vipin Kumar, Ms. Pralika Chakraborty, Mr. Anjani Kumar Mishra & Mr. Fareeduddin, Advs.

versus

CHAIRMAN, TOWN VENDING COMMITTEE AND ORS. .....Respondents

Through: Ms. Mehrunissa Jaitley, Adv. for MCD.
Ms. Vaishali Gupta, Panel Counsel (Civil) GNCTD with Mr. Daman Sharma, Adv., Ms. Rashi Aggarwal, Adv. for R-3.
Mr. Chiranjiv Kumar & Mr Mukesh Sachdeva, Advs. for R-4&5.

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 has been filed by the Petitioner – Sunil Kumar 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 claimed to be designated spot *i.e.*, the pavement, Nizamuddin Railway Station Road, opposite Railway Reservation Office, Nizamuddin, Central Zone, New Delhi.

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3. It is the case of the Petitioner that he was surveyed in 2021 and the survey receipt of 19th April, 2021 has been placed on record.

4. Mr. Aditya, Ld. Counsel for the Petitioner submits that despite the obligation of the Municipal Corporation of Delhi (hereinafter '*MCD*') to issue a Certificate of Vending (hereinafter '*CoV*') within a period of six months in terms of Clause 1.2 of the Vending Scheme, no CoV was issued for the Petitioner.

5. The Petitioner has not participated in the subsequent surveys and does not have a CoV. However, it is his case that he has a right to vend.

6. The photographs of the vending site have been placed on record by the Petitioner and the same are extracted below:



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7. Reliance is also placed upon Annexure P-4, which is a printout of a list of vendors from the website of the MCD where the Petitioner is listed at serial no. 198 under the category *'food/snack with gas cylinder/fire'*.

8. It is also submitted that a representation to the MCD has been made by the Petitioner on 1st October, 2026, praying that the CoV be issued to him and he be allowed to peacefully vend at the spot he claims to be designated.

9. According to the ld. Counsel for the MCD, the Petitioner is not a verified vendor. In fact, there is no survey in which he has participated recently *i.e.*, in 2025 when the latest survey was conducted by the MCD.

10. Further, it is submitted by ld. Counsel for MCD that the Petitioner has illegally occupied MCD's sanitization room and is using it for running his own vending activities.

11. It is submitted by ld. Counsel for MCD, therefore, since the Petitioner is not a verified vendor, he cannot be permitted to vend.

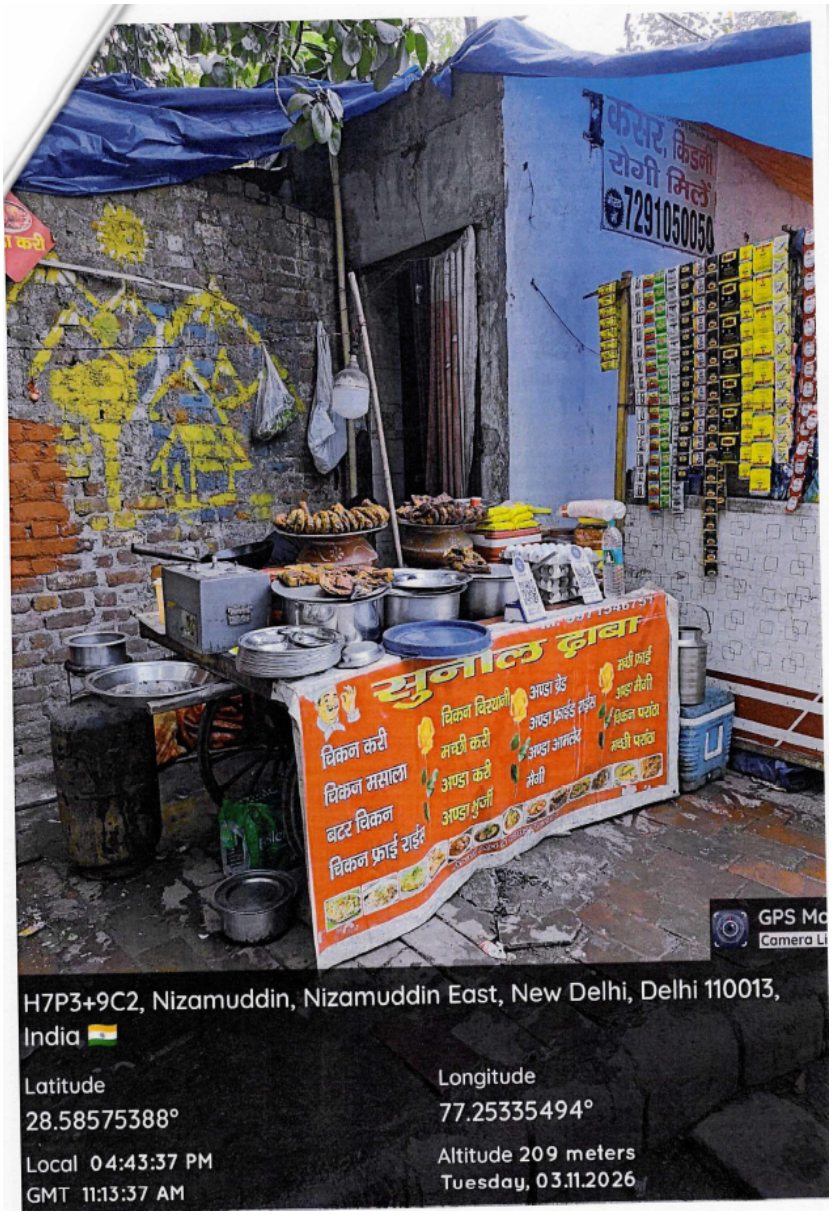
12. Mr. Aditya, ld. Counsel for the Petitioner refutes this position and submits that the reason why the Petitioner's name is shown as not verified in the list put up on MCD's website, is because the Aadhaar Card was not duly verified. However, he was duly surveyed in 2021 by the MCD for which proper acknowledgement was also issued.

13. Heard. The first and foremost thing that concerns the Court is the delay with which the Petitioner has approached the Court.

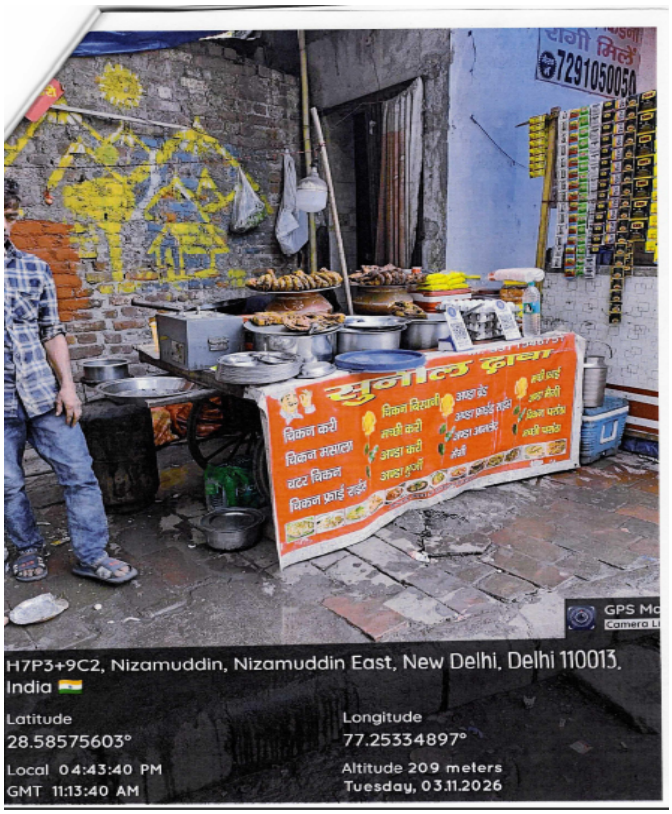
14. If the survey had taken place and the Petitioner had participated in the same, way back in 2021, the Petitioner approaching the Court five years later cannot be justified. Moreover, there was a recent survey conducted by the MCD in 2025 in which the Petitioner appears to have not participated as the same is not clear from the writ petition as on date.

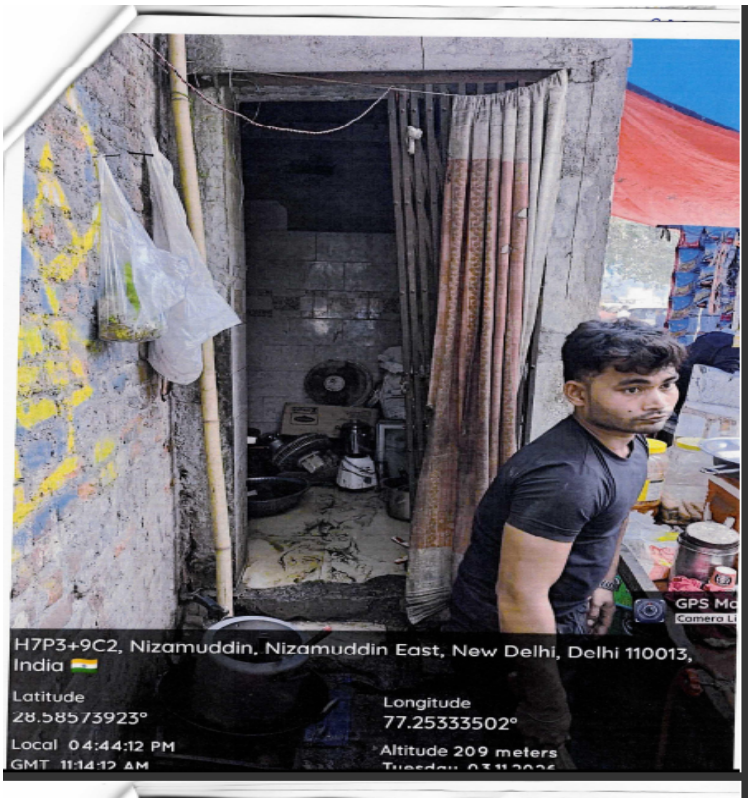
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15. A bigger issue of concern is in the manner the Petitioner is vending. The ld. counsel for MCD has placed images of the area of vend of the Petitioner and MCD's sanitation room on record, they are extracted as below:

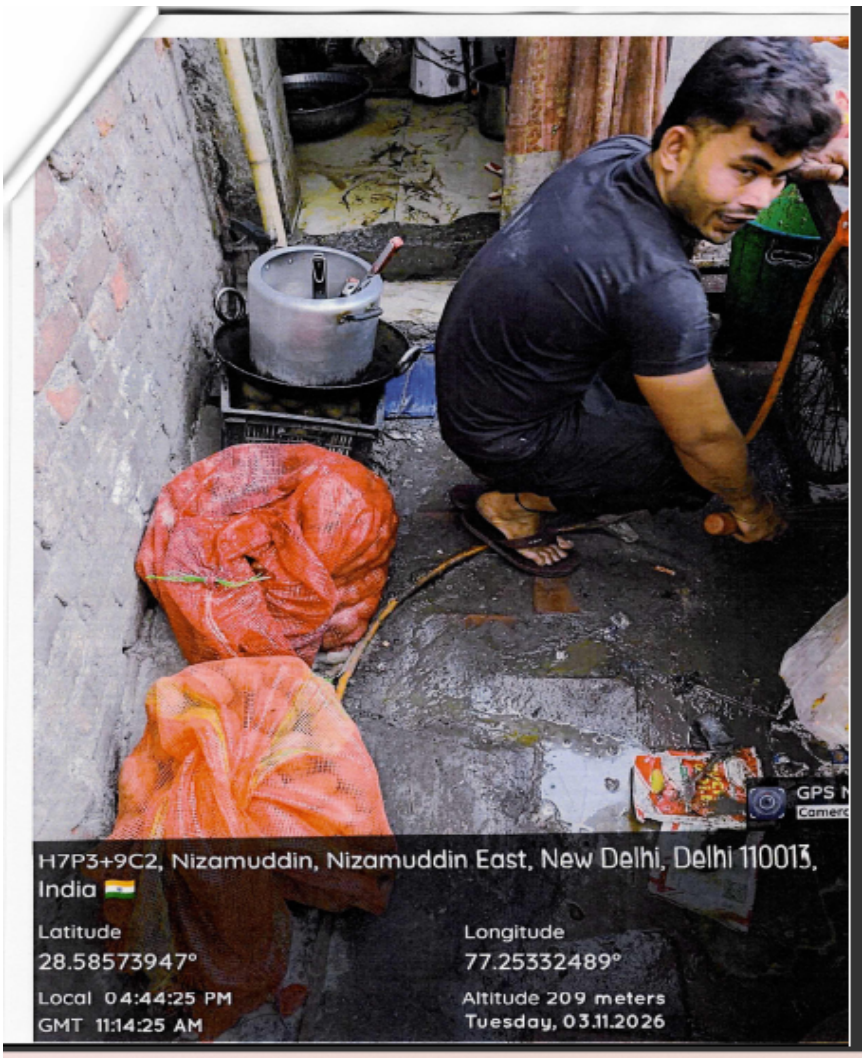


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16. A perusal of the above would show that the Petitioner has in fact occupied the sanitization room of the MCD and is using it for his private commercial activity.

17. Moreover, no proper cleanliness and hygiene is being maintained by the Petitioner in and around the vend.

18. The Petitioner is vending without a provisional CoV, as the same has not been issued.

19. It would not be permissible for the Petitioner to vend in this manner. Such vending is in fact contrary to the terms and conditions of the usual

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provisional *CoV* conditions which are imposed by the MCD.

20. As per the photographs placed on record by the MCD, the Petitioner is also using a big gas cylinder, which is also not permitted.

21. In this view of the matter, this Court is not inclined to grant any relief to the Petitioner.

22. However, if the Petitioner has participated in the survey in 2021, after constitution of TVC-II, the Petitioner's case would be considered by the TVC-II within a period of two months.

23. Ld. Counsel for the Petitioner submits that the Petitioner has been permitted to operate as a vendor and has in fact voted in the recent TVC-II elections. This fact is taken on record.

24. Accordingly, the MCD is free to take action in accordance with law in respect of any illegal occupation of the sanitization room and the non-compliance of the terms and conditions of the vending which require maintenance of cleanliness and proper hygiene.

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

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 5, 2026
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