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

Date of decision: 13th March, 2026

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W.P.(C) 3226/2026

RAJINDER KUMAR

.....Petitioner

Through: Mr. Nagendra Kumar Sahoo, Adv.
versus

NEW-DELHI MUNICIPAL COUNCIL AND ORS.....Respondents

Through: Mr. Sriharsha Peechara, Standing
Counsel for NDMC with Mr Aditya
Bharat Manubarwala, ASC, Mr
Soumit Ganguli, Ms Ravicha Sharma,
Ms Madhu Yadav, Ms Shruti Agarwal
& Mr. Akash Sharma. Advocates. (M:
9717466788)

Mr. Husain Taqvi, Sr. Panel Counsel
with Ms. Soumya Saxena, Mr. Hamza,
Mr. Waseem & Ms. Madiha,
Advocates for R-3. (M: 9911694947)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL.15566/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 3226/2026

3. The present petition has been filed by the Petitioner- Rajinder Kumar under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to conduct the survey of the Petitioner and issue a Certificate



of vending (*hereinafter*, 'CoV').

4. The case of the Petitioner is that he is a garbage collector and has been squatting since 1976 and collecting garbage from various shops in and around Block H-15, Outside Parking, Connaught Place, New Delhi (*hereinafter*, 'the site').

5. Being aggrieved by the inaction of the Respondents for not permitting the Petitioner to carry out garbage collection from the said site in Connaught Place, the Petitioner had filed *W.P.(C) 4458/2017* titled '**Rajender Kumar v. New Delhi Municipal Council**'. In *W.P.(C) 4458/2017*, *vide* order dated 22nd May, 2017 the Court had directed as under:

“ The petitioner submits that the petitioner collects garbage from various offices and shops in the area of H-Block, Connaught Place and puts them in large gunny bags.

Attention of this Court has been drawn to the photographs filed at page 16 of the paper book. He submits that the officers of the respondents are harassing him and not allowing him to temporarily store the garbage bags till the time he can collect the garbage from various shops and offices and then transport them to the garbage dumps. He submits that he is not carrying any vending activities, he is not selling any items collected by him in the varandah, but varandah is used temporarily till the garbage items collected by him are transported out.

Learned counsel for the respondents who have entered appearance on notice submits that the documents placed on record give an impression that the petitioner wants to use the varandah of H-Block for vending and selling kabari.



Mr.Sahoo, counsel appearing on behalf of the petitioner submits that the apprehension of the learned counsel for the respondents is unfounded and baseless as the petitioner simply wishes to store the kabari/garbage collected from various shops and offices temporarily (for a few hours) on an average of two gunny bags till it is collected and then transported out.

Having regard to the submissions made and if the petitioner is only a regular ragpicker and garbage collector and he is placing one/ or two of the gunny bags in the varandah temporarily till he transports the same in one or two hours, in our view, the respondents should not interfere in carrying out his activity.

We, however, make it clear that the petitioner cannot be allowed to store kabad or garbage collected by him for more than one/two hours and cannot be allowed to carry any business of vending/selling from the site in question.

Petition is disposed of accordingly.

CM 19468/2017

Dismissed in view of order passed in the writ petition above.”

6. In terms of the above order, the Court had allowed the Petitioner to store one or two gunny bags for two hours, temporarily in the *vedrandah* of the site. However, it was made clear that the Petitioner cannot carry out business of vending from the said site.
7. The present petition is the second round of litigation by the Petitioner.
8. Mr. Nagendra Kumar Sahoo, Id. Counsel appearing for the Petitioner relies upon Section 225 of the New Delhi Municipal Council Act, 1994 (*'NDMC Act'*) to argue that under this provision, permission can be granted



by the NDMC for the Petitioner to vend. The said provision is extracted below for ready reference:

“225. Prohibition of deposit, etc., of things in streets.—

(1) No person shall, except with the permission of the Chairperson and on payment of such fee as he in each case thinks fit, place or deposit upon any street, or upon any open channel, drain or well in any street or upon any public place any stall, chair, bench, box, ladder, bale, or other thing whatsoever so as to form an obstruction thereto or encroachment thereon.

(2) Nothing in sub-section (1) applies to building material.”

9. Ld. Counsel for the Respondents on the other hand submits that the Petitioner cannot be given any CoV as he is not a vendor.

10. The Court has heard ld. Counsels for the parties. In the opinion of this Court, *vide* order dated 22nd May, 2017, the Petitioner has already been permitted to carry out the garbage collection activity, in terms of the said order.

11. Being a garbage collector, the Petitioner cannot claim any right in respect of *verandah* of the site, as he is not a vendor.

12. In view thereof, as the Petitioner has already been directed by order dated 22nd May, 2017, to carry out his garbage collection activities, no further orders are liable to be passed in favour of the Petitioner.

13. It is made clear that under the garb of garbage collection, the Petitioner cannot sell any other wares or goods from any location in and around the said site, as the Connaught Place area is a No-vending zone.



14. Accordingly, the present petition is disposed of in these terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MARCH 13, 2026/dk/sm