



\$~70

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

*Date of decision: 21<sup>st</sup> May, 2026*

*Uploaded on: 23<sup>rd</sup> May, 2026*

+ **W.P.(C) 7116/2026 & CM APPL. 34841/2026**

VICKY

.....Petitioner

Through: Mr Swagata Gupta, Mr Kamlesh Kr  
Mishra, Ms Renu, Mr Aakash Tiwari  
& Ms Shivani Verma, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Ms. Beenashaw N. Soni (standing  
counsel, MCD) with Ms. Mansi Jain,  
Adv. for MCD.  
Ms. Ekta Choudhary, Adv. for R-3 &4.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE MADHU JAIN**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Vicky 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 designated spot *i.e.*, vacant land near pavement on the service road, Boulevard road, Agrasen Park, Kashmiri Gate Metro Gate No 3, City-SP Zone, Ward-83-N.
3. The Petitioner has a Certificate of Vending (hereinafter, 'CoV') bearing URI No. 5447518 under the category 'Food/ Snack with gas cylinder/ fire'



issued by the Municipal Corporation of Delhi (hereinafter, 'MCD'). The Petitioner is aggrieved by the fact that he has not been allowed to use the gas cylinder and the authorities including the police are repeatedly harassing and obstructing him from peacefully vending at his spot of vending.

4. Ld. Counsel for the MCD submits that the Petitioner is using two big gas cylinders which would not be permissible as per the conditions of the CoV.

5. The Court has considered the matter and has perused the photograph as also the CoV. The photograph of the Petitioner's cart is set out below:



6. Recently, in a similar matter *i.e.*, in *W.P.(C) 19391/2025* titled *Mohd Badruddin v. Municipal Corporation of Delhi & Ors.*, a vendor with a provisional CoV, who was also entitled to vend 'Food/Snacks with gas cylinder/fire', has been exempted by this Court to comply with Condition No. 11 of the CoV.



7. The said Condition No. 11 of the COV reads as under:

*“11. Mobile vendors shall not stay or vend more than 30 minutes or time prescribed by the TVC at place in a vending/squatting zone.”*

8. After hearing, Id. Counsel appearing for the parties and perusing the provisional CoV of the Petitioner, as also the photograph, this Court is inclined to pass the following directions as have been passed in similar matters recently, *i.e.*, in *W.P.(C) 15082/2025* titled *Rajendra Singh v. Commissioner of Police and Ors.* vide order dated 2<sup>nd</sup> February, 2026 and in *W.P. (C) 1609/2026* titled *Rihana v. MCD & Ors.* vide order dated 5th February, 2026.

9. Thus, in the present petition as well, the Court issues the following directions:

- a) The Petitioner shall be permitted to operate his 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;
- b) The Petitioner shall restrict himself to a particular space, where he is operating from, and shall not extend/encroach to the pedestrian areas or cause obstruction in movement of pedestrians;
- c) The Petitioner shall also be obliged to maintain cleanliness and hygiene around the vend, which he is working from and shall ensure the presence of a dustbin near the vend;
- d) Subject to the above, Condition No.11 in the CoV shall not apply to the Petitioner. The Petitioner shall comply with all the other conditions in the CoV.
- e) 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.

f) No permanent or temporary construction shall also be erected by the Petitioner.

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. Subject to the adhering to the above conditions the Petitioner shall not be disturbed from peacefully vending.

12. At this stage, the submission of MCD is also that the Petitioner is vending in a '*non-vending zone*'. If so, the concerned Assistant Commissioner, MCD shall identify the space from where the Petitioner shall vend and the Petitioner shall shift his vend accordingly.

13. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH  
JUDGE**

**MADHU JAIN  
JUDGE**

**MAY 21, 2026**

*dj/ck*