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

Date of decision: 22nd January, 2026

Date of upload: 27th January, 2026.

+ **W.P.(C) 5617/2016&CM APPL. 23344/2016, CM APPL. 9938/2017, CM APPL. 9954/2017, CM APPL. 9955/2017, CM APPL. 10330/2017, CM APPL. 10662/2017, CM APPL. 14376/2017, CM APPL. 22153/2017, CM APPL. 24416/2018, CM APPL. 36496/2018, CM APPL. 46804/2018**

MAHILA HAWKER WELFARE ASSOCIATION.....Petitioner

Through: **Mr. Kamlesh Kr Mishra, Mr. Swagata Gupta, Ms. Renu, Ms. Kavita & Ms. Mansi, Advs. (M:8013313825)**

versus

DISTRICT MAGISTRATE, SHAHDRA & ORSRespondents

Through: **Ms Avni Singh, Panel Counsel-GNCTD with Ms. Vaibhav Sharma,Adv.**

Mr. Rajan Tyagi, Standing Counsel with Ms. Vijeta Mukherjee and Samar Partap Singh Advs. and Sudershan Kumar, AO from MCD. (M:9958523388)

Inspector Sandeep Kumar and SI Anshul, PS PIA.

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 writ petition was filed by the Mahila Hawkers Welfare Association through its President, seeking issuance of appropriate directions



to the Respondents to allow the vendors of the Petitioner Association to vend peacefully near the Anand Vihar Bus Stand.

3. The petition consists of an annexed list of members marked as 'Annexure P-1', which includes names of 114 vendors from the National Hawkers Federation.

4. The case of the Petitioner is that they have been squatting near the Anand Vihar Bus Stand for several years and that they ought not to be disturbed from their respective vending spots.

5. In the present case, notice was issued by the Court on 10th June, 2016, and it was directed that the Respondent No.3– MCD, would not take any coercive measures against the members of the Petitioner association, as listed in 'Annexure P-1'. Thus, protection was granted to the 114 hawkers who formed the part of the list annexed as 'Annexure P-1'.

6. Further, it was clarified in the said order itself that the interim protection being granted shall only be available to street vendors and not to vendors who were hawking on the foot over bridge. The said interim order dated 10th June, 2016 is relevant and is set out below:

"The petitioner has filed this petition claiming benefit of Section 3 of the Street Venders (Protection of Livelihood and Regulation of Street Vending) Act, 2014. It is contended that the members of the petitioner/Association shown in Annexure P-I are street vendors/hawkers and have been vending at the respective spots for several years. It is contended that the respondents are threatening to evict the petitioner without complying with the provisions of Section 3 of the said Act."

Reliance is placed on the judgment dated 20.08.2014 in W.P.(C) No.4303/2014 (National Association of Street Vendors of India versus South



Delhi Municipal Corporation & Others), wherein the Division Bench of this Court had noted that the provisions of Section 3 of the Act provide that no street vendors shall be evicted till the survey is completed by the Town Vending Committee. Since there is no Town Vending Committee in place, the survey could not take place. Let counter-affidavit be filed within two weeks. Rejoinder-affidavit, thereto, if any, be filed within one week thereafter.

Renotify before the roster bench on 03.08.2016: In the meanwhile, the respondent shall not take any coercive steps against the members of the petitioner/association listed in Annexure P-I.

Learned counsel for the respondent submits that some of the hawkers/vendors are hawking on the foot over bridge. It is clarified that the interim protection shall not be available on the foot over bridge and shall be only available only to the street-vendors.

Dasti under signatures of the Court Master.”

7. The said direction that the interim protection granted to the street vendors *vide* order dated 10th June, 2016 would not provide any protection to the hawkers hawking on the footover bridge was reiterated by the Court on 3rd August, 2016 as well.

8. On 31st January, 2017, it was brought to the notice of the 1st Single Judge, who was dealing with this writ petition, that an order was passed by the Division Bench of this Court in **WP(C) 1346/2015** titled ***Court on its own motion (Air Pollution in Delhi) vs. Union of India & Ors.***, on 12th January, 2017, wherein it was directed that the roads at the concerned area ought to be repaired by the MCD and kept free from encroachment.

9. However, on 31st January, 2017 itself, it was further submitted on behalf of MCD that due to the previous order passed by the 1st Single Judge



dated 10th June, 2016 in the present petition, they were unable to give effect to the order of the Division Bench dated 12th January, 2017. Accordingly, on 31st January, 2017, the following order was passed in the present petition:

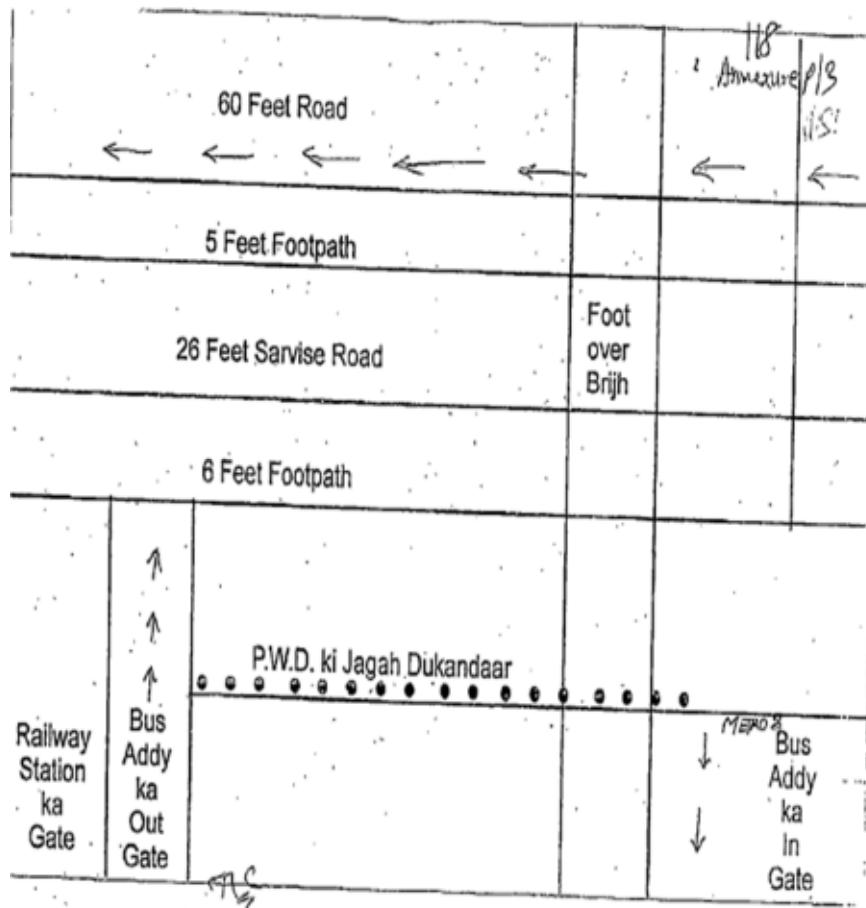
"CM No.3777/2017

This is an application filed on behalf of the East Delhi Municipal Corporation seeking recall of order dated 10.06.2016, whereby, protection was granted to the members of the petitioner association.

*It is contended that, by order dated 12.01.2017 in WP(C) No.1346/2015 titled **Court on its own motion (Air Pollution in Delhi) vs. Union of India &Ors.**, the Division Bench has directed the East Delhi Municipal Corporation to ensure that the roads which fall under their jurisdiction are repaired and kept free from any encroachment so that there is free flow of traffic. Steps have to be taken by the East Delhi Municipal Corporation and the status report filed before the Division Bench before the next date of hearing i.e. 02.02.2017.*

Learned counsel appearing for the East Delhi Municipal Corporation submits that, on account of the order dated 10.06.2016, the respondent -East Delhi Municipal Corporation is not in a position to comply with the orders passed by the Division Bench of keeping the area free from any encroachment.

Learned counsel appearing for the petitioner submits that the members of the petitioner association are not, in any manner, obstructing the road or footpath and are squatting on PWD land and the road and footpath are free and are not being used by any of the members of the petitioner association. The petitioner, alongwith the petition, has filed a rough sketch plan as Annexure - P3, which is extracted herein under:



With reference to the above rough sketch plan, it is submitted by counsel for the petitioner, that the place where the members of the petitioner association claim to be, is shown as black dots in the area described as "P.W.D. ki Jagah Dukandaar".

In view of the statement made by the learned counsel for the petitioner, it is clarified that the interim order dated 10.06.2016 would not ensure to the benefit of any of the members of the petitioner association who are squatting either on the 60 feet road, 26 feet service road, 5 feet footpath or 6 feet footpath or the foot over bridge shown in the rough sketch plan hereinabove.

The respondent - East Delhi Municipal Corporation is free to take action against any squatter, hawker, encroacher, on the 60 feet road,



26 feet service road, 5 feet footpath or 6 feet footpath or the foot over bridge, in terms of orders of the Division Bench.

The interim application is, accordingly, disposed of. Dasti under the signatures of the Court Master."

10. As per the above order dated 31st January, 2017, MCD was permitted to take action against squatters, hawkers, encroachers on the 60 feet road, 26 feet service road and the other footpath. However, the protection provided to the Petitioner *vide* the previous order dated 10th June, 2016, was continued.

11. Thereafter, on 10th March, 2017, another application was filed on behalf of the National Hawkers Association consisting of 126 members, claiming that they were also hawking outside Anand Vihar for several years. Out of the said 126 members, *challans* were filed for 72 members.

12. On the ground that the 72 members whose *challans* were filed had been vending for several years and that they should not be disturbed from their vends, the Court accepted the said *challans* and directed that the said 72 members would not be disturbed from vending, in terms of order dated 10th June, 2016. The following paragraphs of the said order dated 10th March, 2017 are relevant and are set out below:

"Since the applicant has shown prima facie evidence with regard to only 72 of the members, it is directed that, till the next date of hearing, said 72 members of the applicant association would be entitled to the benefit of Section 3 of the Street Vendors Policy (Protection of Livelihood & Regularization of Street Vending) Act, 2014. Similar protection will be granted to them as has been granted to the petitioners *vide* order dated 10.06.2016.

It is noticed that the interim order dated



10.06.2016 itself records that the interim protection shall not be available on the foot over bridge and shall be available only to the street vendors. It may further be noted that on 31.01.2017, this court had clarified that the interim order dated 10.06.2016 would not enure to the benefit of any of the members of the petitioner either on the 60 feet road, 26 feet service road, 5 feet footpath or 6 feet footpath or the foot over bridge as shown in the rough sketch plan extracted in the said order. That restriction would also apply qua the members of the applicant association.”

13. Thus, *vide* the orders discussed above, dated 10th June, 2016, 31st January, 2017 and 10th March, 2017, the Court had clarified that the MCD can take action against any squatters and hawkers on the 60 feet road, 26 feet service road, 5 feet footpath or 6 feet footpath, as also the ones hawking on the footover bridge. It was also clarified that the street vendors would not be entitled to set up any structures. The said interim protection is continuing till date.

14. Thereafter, the matter has been adjourned from time to time. On 13th January, 2026, an adjournment was sought on behalf of the Petitioner which was opposed by ld. Counsel for the MCD on the ground that there are various orders which are passed by other Benches of the Court which have directed that the congestion on the footpath at ISBT Anand Vihar ought to be cleared.

15. Today, Mr. Tyagi, ld. Counsel has also informed the Court that the survey in the said area, that was to be conducted by the Town Vending Committee in accordance with The Street Vendors (Protection of livelihood and Regulation of street vending) Act, 2014, has also now been conducted.



16. Upon conclusion of the said survey, it has been ascertained that out of all the vendors vending at the Anand Vihar Bus Stand area, there are only 105 vendors who have a provisional Certificate of Vending (*hereinafter, 'COV'*) for temporary vending.

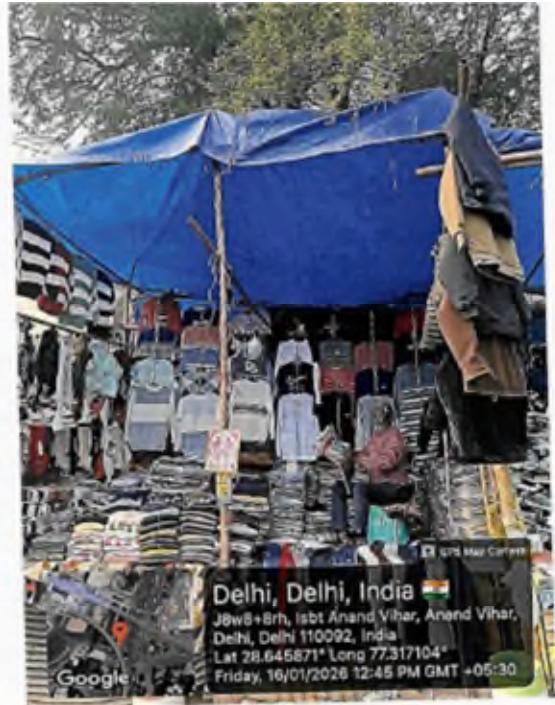
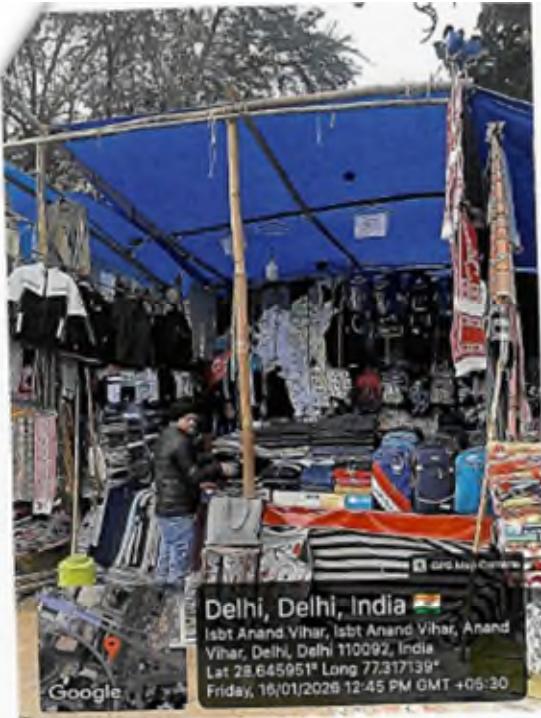
17. It is further submitted by Mr. Tyagi, ld. Counsel, that the vendors have created proper permanent structures and are the cause of enormous congestion outside the ISBT Anand Vihar Station, which is causing extreme difficulties to the passengers, tourists etc., who come from different cities. Some photographs have also been handed over by Mr. Tyagi, ld. Counsel, depicting the said position.

18. On the other hand, Mr. Mishra, ld. Counsel for the Petitioner submits that the hawkers who are part of the Petitioner Association do have COVs, and they have been hawking for a long time, but he does not dispute the position that the permanent structures could not have been created by the hawkers.

19. The Court has heard the matter at length today.

20. The ISBT Anand Vihar Terminal renders an extremely crucial essential service area for passengers who use the said bus terminal. Lakhs of passengers, as also the Indian Railways, DMRC operate from the said area and hence, the area sees a large footfall on a daily basis. The Kaushambi Bus Stand, which connects several passengers from Delhi to Uttar Pradesh, is also stated to be in the nearby neighbourhood itself.

21. The Court has also perused the photographs which have been handed over today by Mr. Tyage, ld. Counsel. The said photographs are taken on record and are extracted below:





22. The pictures extracted above clearly show that most of the hawkers



have created permanent vends and they are no longer merely hawkers, since they have put up their outlet-like small shops, covering large areas including, pedestrian pathways.

23. The COVs which are provisional in nature clearly incorporate a condition that hawkers cannot have permanent structures. The said provisional COVs also consist of a category ‘others’ and one of the conditions therein is that the vendors have to be mobile vendors.

24. Clearly, the hawkers at the Anand Vihar Bus Stand area are not adhering to the conditions of the COVs issued to them. Moreover, any main road of this nature is a non-hawking area in terms of the policy of the MCD, which describes “non-hawking area” as under:

“All approved commercial areas, VIP roads, main roads and areas shown under squatting area”

25. The clear position that emerges from the facts and submissions made today is that the congestion in the Anand Vihar Bus Stand area deserves to be removed.

26. In addition, the Court is of the view that the MCD ought to be permitted to beautify the area, by creating a service road where passengers who come in three-wheelers, cabs, auto rickshaws or other transports can easily alight, before entering the railway station or bus stand.

27. There ought to be free space for movement of the public. Beautification and development of the area is also required, so that the passengers and tourists can enjoy a comfortable experience while visiting a bus stand or the nearby railway station.

28. The manner in which hawking is presently being done is completely



impermissible as it also encroaches upon the area created for easy movement of the public.

29. Thus, the entire area deserves to be properly re-planned, laid out, landscaped and tiled. As part of this process, some shops, cafes, resting areas, sanitation facilities, etc., ought to be created for the passengers in a manner so as to not impede their free movement.

30. Under these circumstances, the present position cannot continue. The hawkers deserve to be removed and only the 105 hawkers, as recognized during the survey, should be permitted to use mobile vends for selling their wares in an allocated manner. No permanent structure can be allowed to be created by the 105 recognized vendors as well.

31. The MCD shall, accordingly, take steps, along with the SHO or the DCP of the concerned area, to remove all the vendors. However, adequate time shall be given of at least five to six days for the vendors to remove their wares. Hence, the MCD is granted time till 30th January, 2026 to take appropriate steps to inform the vendors of the directions of this Court. Thereafter, from the weekend commencing on 31st January, the removal of the vends shall commence.

32. No person shall obstruct or create any impediment in the removal of these vends. After the said removal, the recognised vendors shall be permitted to approach the Assistant Commissioner, MCD, who shall then guide the 105 recognised vendors as to the manner in which they can put up their carts and vends in the area, in compliance with the conditions enumerated in the provisional COVs issued to them.

33. The MCD shall also prepare, with the help of an architect, a proper plan for beautification of the area and for allocation of proper spaces for eating



outlets, sanitation facilities and for some shops, as directed above. The said plan shall also be placed on record before the Court by 10th March, 2026.

34. The MCD is free to take the assistance of any Architect in PWD in this regard including Ms. Sabita Sahoo, Architect, PWD (+91 7205532243), in the entire process of preparing the architectural plan, as stated above. Further, the PWD shall also assist the MCD in creating a plan for beautification of this area so that the work can commence on an early date, upon the plan being placed before this Court.

35. By 10th March, 2026, the MCD shall place on record the said plan, both in electronic form and in a hard copy.

36. With the present order being passed, all previously granted interim orders stand modified in terms thereof. Insofar as the applications filed by other hawkers and vendors for directions are concerned, except for the 105 hawkers recognized during the survey, in terms of the list handed over today, no other vendor shall be permitted to vend in this area.

37. All encroachments and any other shops, carts, vends, etc., are also permitted to be removed. The list of the 105 vendors recognized by the TVC during its survey has been handed over to the Court today and is taken on record. The said list is attached with the present order and is marked as '**Annexure A-1**'.

38. Additionally, it is directed that if there are any other vendors who participated in the survey conducted by TVC and were found eligible in terms of the said survey shall be permitted to vend their wares, only if the provisional COVs have been issued to them by the TVC.



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

40. List for compliance on 30th March, 2026.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

JANUARY 22, 2026

dj/ss



Annexure A-1

List of vendors to whom COV/survey has been approved (Old Ward No. 18E/New No. 206) Anand Vihar			
SNo	URI Number	Vendor Name	Fathers Name
1	3345515	Brijesh	Sh. Sateesh
2	3524910	Netrapal	Sh. Vishnu Dayal
3	2087553	Bhrampal	Sh. Hans Raj
4	8736689	Santosh Kumar	Sh. Heera
5	8473428	Munesh	Sh. Chandra Koshika
6	9279037	Faisal	Sh. Rahat Ali
7	8064639	Neeraj Kumar	Sh. Virendra Prasad
8	1262116	Arjun Singh	Sh. Mange Ram
9	6127818	Zafar Khan	Sh. Sabuddin
10	3263656	Rajeev Jaiswal	Sh. Keshan Kumar
11	9814624	Harihar Prasad	Sh. Dhura Batur
12	7217232	Ram Vichar Sah	Sh. Gorakh Sah
13	4265812	Briz Kishor Pandey	Sh. Sri Ram Pandey
14	6544622	Pintu Gupta	Sh. Keshav Gupta
15	1374186	Rakesh Kumar Sah	Sh. Sri Ram Vichar Shah
16	2017315	Rahat Khan	Sh. Nawab Ali
17	3896020	Omendra Kumar	Sh. Virendra Singh
18	6506473	Subodh Bhagat	Sh. Tunatun Bhagat
19	5312561	Aram Singh	Sh. Hans Raj
20	7179268	Ram Lakan	Sh. Nanku Lal
21	7583084	Anil Rawat	Sh. Shiv Prasad Ravat
22	2884525	Shyam Jeet Kumar	Sh. Jogindra Sah
23	2561747	Shanta	Late Sh. Ram Asray
24	2685713	Aslam	Sh. Majeed
25	1550575	Munna Singh	Late Sh. Chandira Singh
26	9240082	Umesh Kumar Singh	Sh. Chandrika Singh
27	1583725	Rajesh Kumar Singh	Sh. Chandrika Singh
28	6466665	Neeraj Gupta	Sh. Shanti Swaroop Gupta
29	1949522	Ranjeet Kumar Sah	Sh. Seeta Ram Sah
30	3138300	Santosh Sah	Sh. Seeta Ram Sah
31	3257136	Sanjay Prasad	Sh. Prithvi Nath Prasad
32	8082612	Umashanker Prasad	Sh. Sheetal Prasad
33	7442310	Sonu Kumar Gupta	Sh. Ghanshyam Prasad Gupta
34	4740415	Dheeraj Kumar	Sh. Hari Prasad Gupta
35	2316626	Om Prakash Singh	Sh. Ram Lakan Singh
36	8107054	Chhedi Singh	Sh. Ram Lakan Singh
37	7061747	Shyam Kumar	Sh. Ganesh Shah



38	3851182	Mohd Nazim	Sh. Kamruddin
39	5688064	Mo Aslam	Sh. Kamruddin
40	3250684	Chandrama Ram	Sh. Amerika Ram
41	3527744	Mantu Ram	Sh. Amerika Ram
42	1484265	Hari Prasad Gupta	Sh. Bhola Prasad Gupta
43	4377623	Vishwa Karma Ram	Sh. Chanderika Ram
44	5245864	Jainul Basher	Sh. Samso Kamar
45	9916853	Ram Kishan	Sh. Roshan Lal
46	9294548	Dharam Veer	Sh. Roshan Lal
47	8453681	Vicky	Sh. Gangaram
48	2441228	Praveen	Sh. Bal Mukund
49	4947691	Anil Kumar Porwal	Sh. Chhote Lal
50	8605699	Suresh Gupta	Sh. Bhola Prasad Gupta
51	7691914	Deenanath Gupta	Sh. Munne Lal
52	6844379	Mithun	Sh. Sudama Singh
53	2596593	Dharamveer Sah	Sh. Sudama Sah
54	1771982	Ranjeet Sah	Sonelal Sah
55	6538293	Manoj Kumar	Sh. Sudama Sah
56	4917146	Maheswar Kumar	Sh. Babbu Pandit
57	3139911	Chandrakesh	Sh. Badan Singh
58	1184555	Ram Swaroop	Sh. Chhote Lal
59	4927493	Rohit	Sh. Ramswaroop
60	1289859	Md Motiur Rahmen	Sh. Samshera
61	4457301	Rajesh Kumar Sah	Sh. Seeta Ram Sah
62	3342505	Dinesh Chander	Sh. Sone Lal
63	7713243	Soni 41	Sh. Mehesh Chandra
64	2837216	Nandan Singh	Sh. Jaya Singh
65	4752021	Mohd Mujammil	Sh. Rafi Ujamma
66	8040786	Nand Kishor	Sh. Ram Vikas
67	7168941	Vikram Singh	Sh. Ganga Ram
68	4450295	Bantu	Sh. Mahesh Chandra
69	7510750	Govind	Sh. Sukhveer
70	2674581	Pramod Kumar Rathor	Sh. Gaya Prasad
71	6887686	Mahesh Chand	Sh. Sone Lal
72	7022244	Chhote Lal	Sri Kalyan Singh
73	2461416	Naresh Chand	Sri Sonelal
74	5098588	Dalveer Singh	Sri Babu Ram
75	1466180	Ajeet Mishra	Sri Seshnath Mishra
76	8385548	Chandrana Sah	Ranajatan Sah
77	8852433	Santosh Saah	Sri Jogendra Saah
78	3383229	Manish Kumar	Sri Suresh Kumar
79	2627940	Bheem Gupta	Sri Shami Gupta
80	3004291	Sunil Ravat	Sri Shiv parsad Ravat



81	3463111	Radhey Shyam	Sri Narayan Chowdhari
82	4604945	Abdul Mazeed	Sri Rahmaat Ali
83	1438569	Ramu Gupta	Sri Ganesh Sah
84	1265224	Matiulla	Sri Khatyi
85	8420085	Sandeep	Sri Rasham
86	3511554	Shammu Chauhan	Ram Avatar
87	6400330	Mukesh Kumar	Sri Ramnarayan
88	5171304	Bajarangi Gupta	Sri Harigware Gupta
89	5758849	Swatantra Kumar Thakur	Sri Ramsuresh Thakur
90	8604386	Sudher Rai	Sri Upendra Kumar
91	8852589	Ramesh Kumar	Sri Hari
92	7934532	Raguveer	Sri Sundari
93	1899261	Guddu Bharti	Bilas Bharti
94	8622776	Sh. Ganga Ram	Sh. Gurman
95	5577047	Sh. Ajeem Alam	Sh. Akhmaz Israil Alam
96	2606359	Sh. Bhagwan Dass	Sh. Roshan Lal
97	3132791	Sh. Vijay Shah	Sh. Vishava Nath Shah
98	5546128	Sh. Amit	Sh. Hakim
99	5075743	Sh. Jitender Gupta	Sh. Hari Prasad Gupta
100	2601233	Sh. Hakim Singh	Sh. Kedar Singh
101	3596890	Sh. Atul	Sh. Hakim Singh
102	9626118	Ch. Rohtash Singh	Ch. Fateh Singh
103	7360086	Sh. Raju Mishra	Sh. Rambushan Mishra
104	1177948	Sh. Omveer	Sh. Mangat Singh
105	6868634	Sh. Rinku	Sh. Ramesh Chandra