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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 23rd January, 2026

Uploaded on: 27th January, 2026

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W.P.(C) 9321/2022

MANOJ KUMAR

.....Petitioner

Through: Mr. Ram Narayan Singh & Ms. Ekta, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.

.....Respondents

Through: Mr. Sriharsha Peechara, Standing Counsel for NDMC with Mr Soumit Ganguli, Ms Shruti Agarwal, Advocates for NDMC.

Ms. Urvi Mohan, Advocate for GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner in the present case is a vendor, who claims to be vending in the Sarojini Nagar Market since 1978.
3. The petition has been filed seeking directions to the Respondents to allow the Petitioner to vend from his vending spot *i.e.* Backside, Shop No.02, Mini Market, G-Avenue, Sarojini Nagar market, till the final decision is taken by the Town Vending Committee after completion of survey in a peaceful manner.
4. The Petitioner had earlier been granted relief *vide* order dated 10th June, 2011 passed by this Court in **W.P.(C) 4269/2011** titled **Manoj Kumar v. NDMC & Anr.** The said relief was granted in the following terms:

“4. Having regard to the aforesaid submissions



made by the counsel for the parties. This writ petition is disposed of with a direction to the Respondent NDMC not to disturb the Petitioner from his present hawking site till the Vending Committee completes the exercise of determining the status of his eligibility, while leaving open other issues raised in the present petition, including applicability of the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011. The aforesaid order is subject to the following three conditions:-

(i) *That the Petitioner shall not induct anyone else at the hawking site.*

(ii) *That the Petitioner shall comply with the requirements of the National Policy for Urban Street Vendors and the Master Plan for Delhi 2021.*

(iii) *That the Petitioner shall not deal in any licensable articles.*

5. *It is further ordered that if the Petitioner is found eligible for allotment of a vending site under the scheme, the aforesaid interim protection will continue to operate in his favour till such time that the Respondent/NDMC implements the scheme of allotment of the vending sites.*

6. *The petition is disposed of alongwith the pending application.”*

5. Thereafter, the survey of the Sarojini Nagar Area was going on and the Petitioner had approached this Court by way of a present petition, with the prayer that he ought not be disturbed from his vending site.

6. In the present petition, initially, an order was passed on 3rd June, 2022 wherein the following directions were issued:

“W.P.(C) 9321/2022

Issue notice.

Counsel as above, accept notice.

Learned counsel appearing on behalf of the



NDMC, respondent no. 1, fairly states that the petitioner has been prevented from operating his vending site, inadvertently. Learned counsel for respondent no.1, on instructions, further states, that it is in this view of the matter that they do not oppose the relief prayed for, in the present proceeding.

Having heard learned counsel appearing on behalf of the parties and perused the material on record, we allow the present writ petition and direct the respondent nos. 1 to 2 to allow the petitioner to vend at the site for which he has been granted permission, in accordance with law.

No further direction is called for.

The petition is disposed of accordingly.”

7. Thereafter, a recall application was filed by the Sarojini Market Shopkeepers Association, seeking recall of the earlier order dated 3rd June, 2022. The said application was rejected by the Court.

8. Subsequently, Respondent No. 1– New Delhi Municipal Corporation also filed an application before the Court, seeking recall of the order dated 3rd June, 2022, which was allowed *vide* order dated 11th February, 2025 in the following terms:

“CM No. 29658/2022

1. This is an application filed on behalf of respondent no.1, New Delhi Municipal Corporation (NDMC) seeking recall of the order dated 03.06.2022, whereby the above-captioned petition was disposed of in view of the statement made by the learned counsel for the NDMC that he was not opposing the relief as prayed for. It is the NDMC's case that the said consent had been granted erroneously on a presumption that the petitioner was carrying on vending activities behind Shop No. S-20, Mini Market without noticing that the vending site as claimed by the petitioner was located in G-Avenue, Sarojini Nagar Market which, according to the



NDMC, is a no vending zone.

2. It is noticed that the order dated 03.06.2022 was passed just prior to the court's vacation and the NDMC had filed the application immediately thereafter. We consider it apposite to allow the same. The order dated 03.06.2022 is recalled. Accordingly, the petition is restored to the position as obtaining on 03.06.2022.”

9. On the same date, i.e. 11th February, 2025, the Court had also granted interim relief in terms of paragraph 5 of the said order, which reads as under:

“5. In the meanwhile, the NDMC will not interdict the petitioner from carrying on vending activities. We consider it apposite to pass the said direction as there appears to be no dispute that the petitioner has been carrying on his vending activities in the area of Sarojini Nagar Market. The petitioner's name also appears in the list of 628 persons, which was prepared in the year 2012. It is also not disputed that the petitioner has been carrying on the vending activities for the past two years, that is, since the abovecaptioned petition had been allowed. Thus, it would be apposite that status quo be maintained in this regard till the next date of hearing.”

10. As of today, the survey in the Sarojini Nagar Area is now completed by the Town Vending Committee and the Petitioner is stated to have been issued a provisional Certificate of Vending (hereinafter 'CoV') by the NDMC.

11. However, the stand of the NDMC is that the Petitioner has extensively encroached upon the pavement and has expanded his vend/shop beyond what is permitted in the CoV.

12. Photographs have also been placed on record in support of the said

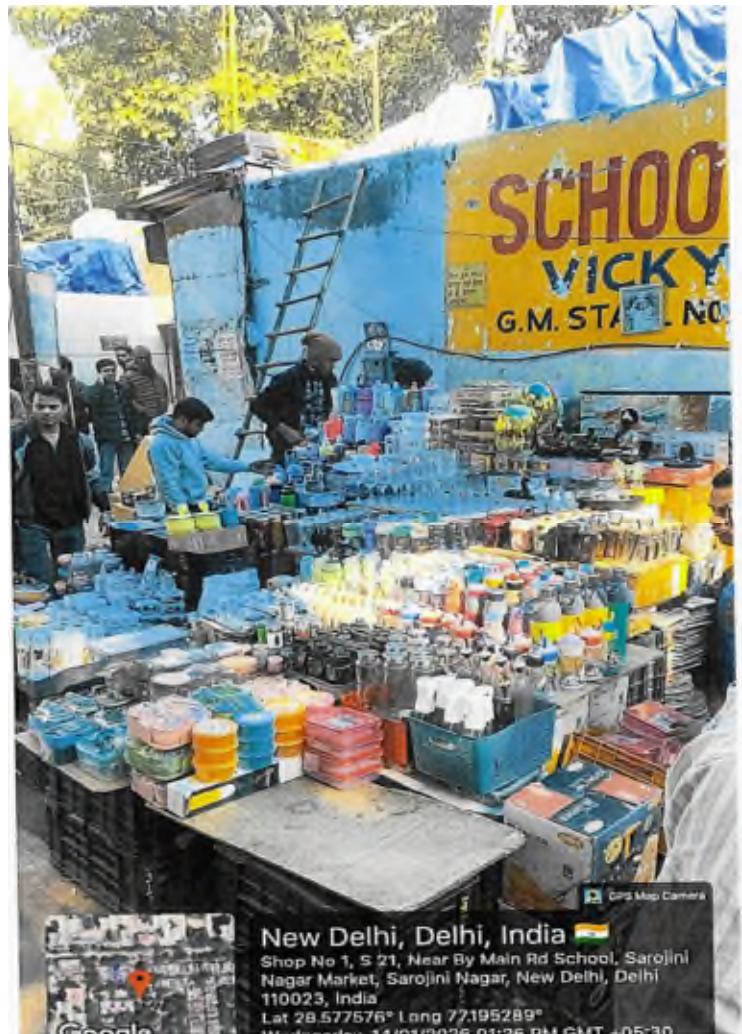


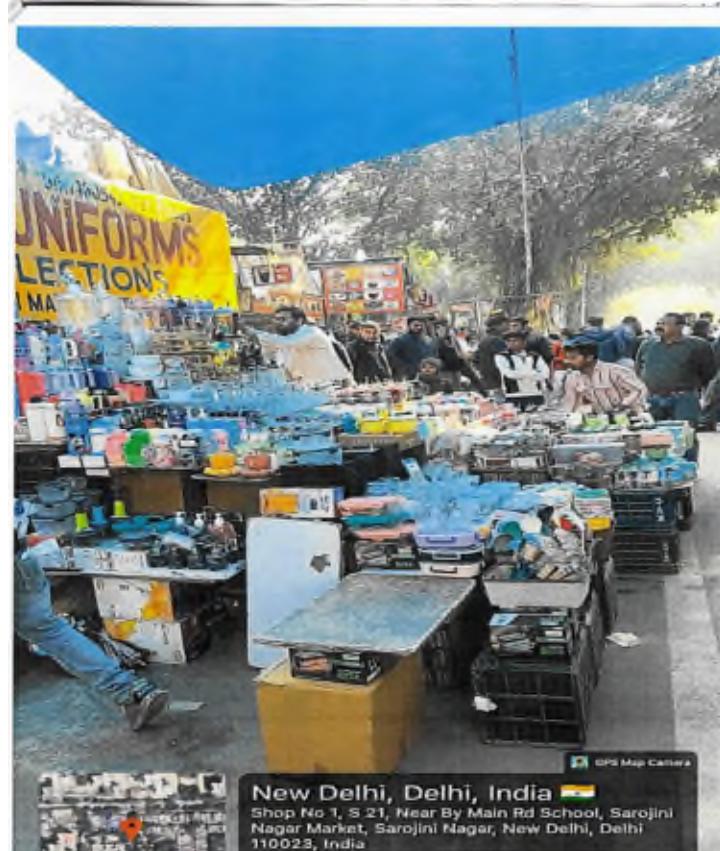
contention. The same are extracted below:





2026:DHC:627-08





New Delhi, Delhi, India
Shop No 1, S 21, Near By Main Rd School, Sarojini Nagar Market, Sarojini Nagar, New Delhi, Delhi 110023, India



New Delhi, Delhi, India
Shop No 1, S 21, Near By Main Rd School, Sarojini Nagar Market, Sarojini Nagar, New Delhi, Delhi 110023, India
Lat 28.577603° Long 77.195294°
Wednesday, 14/01/2026 01:25 PM GMT +05:30

13. The NDMC is also stated to have issued a Show Cause Notice dated 13th January, 2026 raising the following allegations against the Petitioner:

- “i. Sh. Manoj Kumar was not present at the vending site.*
- ii. Three to four unknown persons were found*



carrying out vending activities at the said site, which appears to be a case of subletting.

iii. While the permitted vending site measures 6'x4', the persons present had occupied an area measuring approximately 40'x20' equivalent to about four vending sites."

14. The Court has considered the submissions made by all parties. Clearly, the Petitioner cannot encroach upon the footpath and affect the right of way of pedestrians. The Petitioner has to strictly abide by the terms of the provisional CoV.

15. Under the circumstances, as presented in the present case, this writ petition is disposed of with the following directions:

- i) That the Petitioner shall strictly abide by the conditions under the provisional CoV which has been issued to him;
- ii) The Petitioner shall also reply to the Show Cause Notice dated 13th January, 2026 that has been issued to him and shall properly address the allegations against him.
- iii) After hearing the Petitioner, action may be taken by the NDMC in accordance with law.

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

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

JANUARY 23, 2026

Rahul/ssS