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

Date of decision: 23rd July, 2026

Uploaded on: 25th July, 2026

+ **W.P.(C) 8840/2026**

RANJIT KUMAR

.....Petitioner

Through: Mr. Aditya, Adv.
versus

SUB DIVISIONAL MAGISTRATE JANGPURA
AND ORS

....Respondents

Through: Ms. Vaishali Gupta, Panel Counsel
(Civil) GNCTD, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 46313/2026 (for directions) in W.P.(C) 8840/2026

2. The present application has been filed by the Petitioner under Section 151 of the Code of Civil Procedure, 1908, seeking directions to the Respondents to comply with the order dated 7th July, 2026.

3. The brief background of Petitioner's case is that he is a street vendor with 40% locomotor disability and was issued the Certificate of Vending (*hereinafter*, 'CoV') bearing **URI No. 1456040** under the category of '**Others**'. He had been vending at the vending site near old bus adda, Sarai Kale Khan, Central Zone, Ward S-56, New Delhi.

4. The grievance of the Petitioner is that he was evicted from the vending site by the concerned officials of the Delhi Police, Municipal Corporation of Delhi and Public Works Department.



5. On 7th July, 2026, this Court had considered the various submissions made by the parties and had also borne in mind the contention raised by the Delhi government that for the Regional Rapid Transit System (*hereinafter*, 'RRTS') Project, which was being undertaken by the National Capital Region Transport Corporation (*hereinafter*, 'NCRTC'), all the unauthorised vendors and *tehbazari* vendors were to be removed from sites nearby to the station.
6. In the said background, *vide* order dated 7th July, 2026, this Court had observed as under:

"8. Heard. In the opinion of the Court insofar as such infrastructure projects are concerned, it is for the government agencies to decide as to how to provide for egress and ingress of passengers availing access to the railway station and the metro station. The authorities have to also make adequate space for vehicular traffic and, accordingly, if action has been taken in an infrastructure project to remove the vendors and the tehbazari holders, the same would not be liable to be interfered with by this Court.

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11. Accordingly, taking a compassionate and empathetic view, considering the Petitioner is a disabled person having a certificate of vending, the Assistant Commissioner, MCD is directed to identify an alternative space for the Petitioner in the vicinity of the subject vending site itself so that the Petitioner's livelihood is not adversely affected.

12. Let the Petitioner approach the concerned Assistant Commissioner, MCD within a period of one week and the identification of the alternative space shall also be done within that period.



13. *The Petitioner shall appear before the Assistant Commissioner on 10th July, 2026.*

14. *It is clarified that this could be without prejudice to the MCD's rights as also TVC-II's powers to take action after the TVC-II is duly constituted.*

15. *A perusal of the above photograph of the subject vend would also show that the manner in which the Petitioner is carrying out the vending would be contrary to the conditions of the Certificate of Vending. The undertaking of the Petitioner is, accordingly, recorded that upon the alternate space being identified by the Assistant Commissioner, the Petitioner would strictly abide by the terms and conditions of the Certificate of Vending."*

7. In terms of the above order, the Court had clearly held that the ingress and egress to the various access points to the metro station cannot be obstructed in any manner. Bearing in mind the said fact as also the fact that the Petitioner was in the disabled category, the Assistant Commissioner was directed to identify the alternate space for the Petitioner.

8. The grievance of the Petitioner in the present application is that more than two weeks have passed, and the Petitioner has not been allotted an alternate site.

9. Today, the Court has been informed of the order dated 24th June, 2026 passed by the SDM, Jangpura.

10. A perusal of the SDM's order dated 24th June, 2026 would show that the authorities are presently bearing in mind various factors while deliberating on the action plan for removal of the unauthorised street vendors. The said order is set out below:



ANNEXURE A2



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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (JANGPURA),
OLD GARGI COLLEGE BUILDING, BEHIND LSR COLLEGE
LAJPAT NAGAR-IV, NEW DELHI-110024

F. No. SDM/JP/2026-27/939-52

Dated: -24.06.2026

ORDER

A meeting of the Special Task Force (STF) was convened on **23.05.2026 at 04:00 PM** under the Chairpersonship of Sub-Divisional Magistrate (Jangpura) at Room No-14, Old Gargi College Building, Behind LSR Collage, Amar Colony, Lajpat Nagar-IV, New Delhi to consider and chalk out the action plan for removal of unauthorized encroachment at Nizamuddin Entry Road, Sarai Kale Khan side, leading to the Entry/Exit Gates of Namo Bharat Station, DMRC Metro Station and Hazrat Nizamuddin Railway Station as proposed by National Capital Region Trasport Corporation Limited (NCRTC).

The list of Officers from various departments who are to be involved in the task and attended the above meeting of the STF is enclosed at Annexed-I.

At the outset, Shri S.D. Mishra, IPS Retd, Chief Security Commissioner, NCRTC made a brief presentation regarding the reported encroachment. It has been reported that Gates No. 1 and 2 of the Sarai Kale Khan Namo Bharat Station-cum-transit hub is now fully functional and open onto Nizamuddin Entry Road, which is also the main road providing access to Hazrat Nizamuddin Railway Station from the Sarai Kale Khan side, as well as to Gates No. 1 and 2 of the underground Delhi Metro Station. It has further been reported that there is rampant encroachment on Nizamuddin Entry Road and the adjoining footpaths. A total of 229 Stall/kiosk are reported to be operating from left, middle and right of the Nizamuddin Entry Road (from ring road) to Hazrat Nizamuddin Railway Station. A pictorial view of the encroachment was also shown during the STF Meeting. Due to this unauthorized encroachment, commuters face considerable difficulty in entering and exiting the Namo Bharat Station and the Metro Station. Further, due to the encroachment, there is a severe paucity of walking space on the footpaths, compelling passengers to walk on the carriageway itself.

Shri Shishpal Singh, AO, MCD informed the Chair that the encroached 229 Stall/kiosk are street vendors (Teh Bazari) either having license or without license issued by MCD. However, as per rules, these street vendors (Teh Bazari) having valid license issued by MCD could not be stationed at a particular place for more than 30 minutes and as such their encroachment on both sides and middle of the Nizamuddin Entry Road (from ring road) to Hazrat Nizamuddin Railway Station is totally illegal.

Shri S.D. Mishra, IPS Retd, Chief Security Commissioner, NCRTC has informed the Chair that recently Hon'ble Supreme Court has ruled that right to footpath is a fundamental right.

Chairman, STF directed that removal of encroachment should not be done in a piece-meal manner but should be done with the objective that it should not recur in future. Therefore, the entire encroachment as reported by Chief Security Commissioner, NCRTC should be removed in one go. Further, it was directed that MCD should identify the licensed vendors (Teh Bazari) from among the encroached 229 Stall/kiosk street vendors (Teh Bazari) and should suitably re-locate them to some other identified place. Once the reported encroachment is removed, NCRTC should fence/barricade the site with the help of local police so much so that these street vendors should not function again from these sites.



Considering the sensitivity of the matter, Chairman, STF directed that 60-70 Police personnel (including 20 Women Constable) should be deployed to carry out the operation of the STF. Further, Traffic Inspector, Lajpat Nagar Circle is directed to deploy 10 Traffic police personnel at the site for smooth conduct of the drive.

Chairman, STF further directed the representatives of the participating departments to physically inspect the site of the proposed STF drive once the meeting is over to get an idea of the proposed task.

It was unanimously decided that STF would carry-out the aforesaid **removal of unauthorized encroachment at Nizamuddin Entry Road, Sarai Kale Khan side, leading to the Entry/Exit Gates of Namo Bharat Station, DMRC Metro Station and Hazrat Nizamuddin Railway Station as proposed by National Capital Region Transport Corporation Limited (NCRTC) on 30.06.2026 at 11:00 AM.** It was also decided that all the concerned Officers of the Departments involved must reach the point of action on 30.06.2026 at 10:30 AM positively so that task of STF could be done in well-coordinated manner.

With reference to the above decision taken, the following directions were given by the Chairman, STF:

11. It is clear from the above that the authorities, including the Special Task Force, are taking various factors into consideration including, as extracted above, that the Sarai Kale Khan Namo Bharat Station-cum-Transit hub is fully functional and it also provides access to the Nizamuddin Railway Station. Connectivity has been created even to the Delhi Metro Station. The STF notes that there is rampant encroachment on the Nizamuddin entry road and the adjoining footpaths.
12. Further, it has been noticed that there are 229 stalls/kiosks which are operating and commuters are facing difficulty in entering and exiting the Sarai Kale Khan Namo Bharat station-cum-transit hub.
13. The paucity of adequate walking space has also been taken into consideration. Recently, the Supreme Court, in its decision dated 19th June, 2026, titled ***Maniyar Iliyaz @ Shaik Riyaz & Anr. v. P. Ayyappan & Ors., 2026 INSC 647***, has recognised the right of pedestrians to safe and demarcated walking spaces, including footpaths, as a fundamental right.
14. The consideration of the aforesaid factors would show that the rights of



passengers accessing these metro stations, including their right to safe and adequate walking spaces, would have to be balanced with the rights of the street vendors.

15. The concerned authorities would, therefore, have to identify the space for vending only for those vendors who have authorised *provisional* COVs, and after identifying such space, they shall be subject to strict terms and conditions governing the manner in which they vend in the area.

16. Considering the order dated 24th June, 2026, passed by the SDM, it is clear that the authorities are taking all these factors into consideration and, in such circumstances, there may have been some delay in identifying the space for vending.

17. Accordingly, a further period of four weeks is granted to the Assistant Commissioner, MCD, to identify an appropriate alternate space for the Petitioner to carry on his vending activities, considering that he is a person with disabilities.

18. It is made clear that the activities being undertaken by the Special Task Force are not to be impeded by any of the street vendors, in any manner.

19. The present application is disposed of.

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

JULY 23, 2026/MR/SM