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

Date of decision: 23rd November, 2026

Uploaded on: 25th November, 2026

\# **CNR No. DLHC010558492026**

\+ **W.P.(C) 17207/2026 & CM APPL. 80484/2026**

SANTOSHI DEVI .....Petitioner

Through: Mr. Bharat Aggarwal, Adv. (M: 8130933046)

versus

NEW DELHI MUNICIPAL COUNCIL & ANR. .....Respondents

Through: Mr. Raghav Alok, Asst. Standing Counsel Mr. Yash Gupta, Adv. (M: 9990505143)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 80484/2026 (for exemption)

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

W.P.(C) 17207/2026

3. The present petition has been filed under Article 226 of the Constitution of India by the Petitioner-Ms. Santoshi Devi *inter alia* seeking a direction to the Respondent-New Delhi Municipal Council (*hereinafter 'NDMC'*) to decide her representation dated 05th November, 2026 before the NDMC.

4. The brief case of the Petitioner is that her husband-Rakesh Kumar was a provisional Certificate of Vending (*hereinafter 'CoV'*) holder bearing ***Vendor ID- V2025401265*** under the category ***'Readymade Garments'*** and his area of designated vend as per his CoV is Laxmi Bai Nagar market.

5. Further the submission of the ld. Counsel for the Petitioner is that her

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husband passed away on 20th September, 2026 and that she has been vending after his demise at his designated place of vend. Photograph of the vend has also been placed on record which is extracted below:



6. The terms and conditions for the Petitioner are set out below as contained in the permission letter dated 7th November, 2017 issued in favour of the Petitioner's husband by the NDMC:

> *"1. This is an interim and temporary arrangement and will not confirm any right on the site or otherwise etc.*
> *2. You will not induct or allow anyone else at the squatting site and shall not deal in any licensable articles.*
> *3. You will not leave the goods at night.*

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4. The permission is only from sunrise to sunset.
5. Subletting in any manner is not permitted.
6. The permission holder shall remain within the allotted area.
7. Squatting on any other site shall be treated as encroachment and violation of the permission.
8. The Tehbazari permission is purely temporary and can be revoked at any time without any alternative allotment.
9. Any violation in above conditions of squatting will lead to cancellation/termination of the temporary permission."

7. The prayer of the Petitioner is that the Petitioner's name be substituted in the name of the deceased husband and a final certificate of vending be issued in the name of the Petitioner by the NDMC.

8. Ld. Counsel for the NDMC is heard.

9. The Petitioner is the wife of the deceased CoV holder. Section 5 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (*hereinafter 'the Act'*) governs the conditions for the issue of CoV in case of demise of the vendor. The same is extracted below:

"5. (1) Every street vendor shall give an undertaking to the Town Vending Committee prior to the issue of a certificate of vending under section 4, that—
(a) he shall carry on the business of street vending himself or through any of his family member;
(b) he has no other means of livelihood:
(c) he shall not transfer in any manner whatsoever, including rent, the certificate of vending or the place specified therein to any other person.
(2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—
(a) ***spouse of the street vendor;***
(b) dependent child of the street vendor:
Provided that where a dispute arises as to who is

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entitled to vend in the place of the vendor, the matter shall be decided by the committee under section 20."

10. As per the above Section 5(2) of the Act, upon demise of the CoV holder the spouse is entitled to be substituted in place of the vendor. Thus, the application for substitution of the Petitioner in the place of her husband would have to be considered by the TVC-II after it is constituted.

11. Accordingly, let the TVC-II take a decision in this regard within two months after its constitution.

12. In the meantime, the Petitioner shall be permitted to vend strictly in accordance with the terms and conditions of the vending as contained in the permission letter dated 7th November, 2017 issued in favour of the Petitioner's husband by the NDMC.

13. After the prayer for substitution is considered, the final certificate of vending shall also be issued to the Petitioner in terms of the vending plan which may be finalised by the TVC-II.

14. Further, 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 Act and no vested rights shall be claimed.

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

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 23, 2026/*dj/as*

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