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

Date of Decision: 24th April, 2026

Uploaded on: 26th April, 2026

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W.P.(C) 5222/2026

UMESH CHAUDHARY

.....Petitioner

Through: Mr. Aditya, Mr. Vipin Kumar, Mr. Anjani kr. Mishra, Mr. Kailash kr. Jha, Ms. Pralika Chakraborty, Mr. Fareeduddin, Ms. Srejal Mishram, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS...Respondents

Through: Ms. Namrata Mukim Standing Counsel MCD and Ms. Niharika Singh, Adv. with Mr Arvind Kumar APHI, MCD.
Ms. Vaishali Gupta, Panel Counsel (Civil) GNCTD, Ms. Rashi Aggarwal, Advs.

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- Mr. Umesh Chaudhary under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Municipal Corporation of Delhi (*hereinafter*, 'MCD') to release Petitioner's seized goods and cart and allow the Petitioner to peacefully vend from the vending site *i.e.*, on the pavement, near Indian Oil petrol pump, Sarai Kale Khan, Central Zone, Ward S-56, New Delhi



(*hereinafter, 'vending site'*).

3. The brief background of the present case is that, the Petitioner is a disabled person suffering from 50% locomotor disability. He has been issued a Disability certificate from the office of the Medical officer incharge, Ghailadh, Madhepura.

4. The Petitioner is stated to be running a cart, selling cold drinks, water bottles and other snack items, from the vending site. The Petitioner has been issued a *provisional* Certificate of Vending (*hereinafter, 'CoV'*) bearing **URI No. 2600409** under the category of '**Food/Snack with gas cylinder/fire**' for Central Zone, Ward S-56.

5. It is the case of the Petitioner that on 6th April, 2026, his cart and all the belongings were seized by the Health Inspector of the MCD. The concerned officials of the MCD are not releasing the cart and the goods of the Petitioner. Aggrieved by the inaction of the MCD, the present petition has been filed by the Petitioner.

6. Ms. Namrata Mukim, Id. Counsel on behalf of the MCD submits that the entire area has been occupied in a haphazard manner by various street vendors, resulting in severe traffic congestion in the Sarai Kale Khan area, particularly along the Ring Road. It is for this reason that all the carts were seized and the belongings were removed.

7. Further, Id. Counsel for the MCD has also handed over the photographs to show the manner in which these carts operated in the Sarai Kale Khan area. Some photographs are extracted below:





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8. Thus, it is the submission of Id. Counsel for the MCD that the manner in which the carts are being put up around the Ring Road, Sarai Kale Khan area, leads to traffic congestion in the said area, therefore, the Petitioner cannot be permitted to vend from the said area.

9. The Court has considered the matter. The Petitioner being a disabled person, cannot be expected to move around with his cart. He has a valid *provisional* CoV under the category of '*Food/Snack with gas cylinder/fire*'. In similar matters being *W.P.(C) 19391/2025* titled '*Mohd Badruddin v. Municipal Corporation of Delhi & Ors.*', *W.P.(C) 15082/2025* titled '*Rajendra Singh v. Commissioner of Police and Ors.*' and in *W.P. (C) 1609/2026* titled '*Rihana v. MCD & Ors.*', this Court has already directed that those vendors falling under the category of '*Food/Snack with gas cylinder/fire*' would be permitted to run the vend at the vending site, subject to the following conditions:

- i. The Petitioner shall be permitted to operate his vend, but shall use



- a small 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;
- ii. 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;
 - iii. 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;
 - iv. 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;
 - v. 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;
 - vi. No permanent or temporary construction shall also be erected by the Petitioner;

10. In addition, it is directed that, since the cart has already been removed and this Court is conscious of the traffic congestion that may be caused on the Ring Road near Sarai Kale khan area, by such carts, the concerned Assistant Commissioner, MCD shall identify an appropriate space from where the Petitioner may operate his vending cart.

11. The Petitioner shall appear before the concerned Assistant Commissioner, MCD, Central Zone, Ward-S-56 on **27th April, 2026 at 11:30 am**, who shall provide a proper hearing to the Petitioner. During the hearing,



the Petitioner shall also make a request for return of the cart and the items which have been seized.

12. Since the concerned DHO is the person against whom certain allegations have been made by the Petitioner, the Assistant Commissioner, MCD, Central Zone, Ward-S-56 is at liberty to consult the DHO, and thereafter identify an alternate space for the Petitioner, from where he can vend.

13. If the needful is not done by the MCD, the Petitioner is at liberty to approach this Court by way of an application.

14. The petition is disposed of in above terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 24, 2026/prg/sm