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

Date of Decision: 25th February, 2026

Uploaded on: 28th February, 2026.

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W.P.(C) 2477/2026

MOHAMMAD IMTIYAZ ALAM

.....Petitioner

Through:Mr. Sanjay Baniwal, Ms. Manisha and

Mr. R.K. Seewal, Adv.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Ms. Namrata Mukim, SC, MCD, Ms.

Niharika Singh, Adv. for MCD.

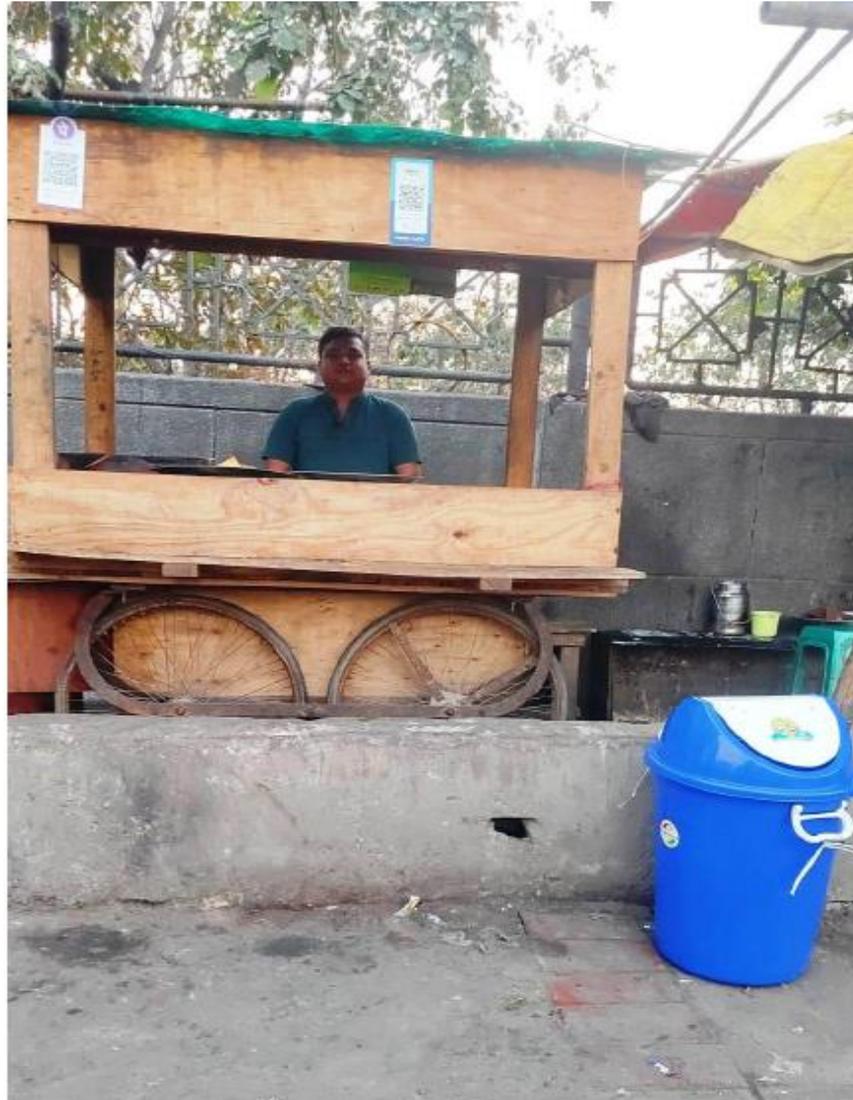
CORAM:

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 under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondent - Municipal Corporation of Delhi (hereinafter, 'MCD') to not disturb the vend of the Petitioner. The Petitioner has filed the present writ petition stating that he has been vending between Gate No. 1 and Gate No.2 of the wall in Fish *Mandi*, Ghazipur, East Delhi, Delhi - 110096, Shahdara South Zone, Ward - SE. The Petitioner is also issued a Certificate of Vending (hereinafter, 'COV') bearing URI No. 4590862.
3. It is the case of the Petitioner that he has not been allowed to vend peacefully by the MCD and the officials are causing disturbance to his vending activities. The Petitioner relies upon the following photograph to show that he is maintaining proper hygiene in his area of vending:



4. Ms. Mukim, ld. Counsel for the MCD disputes the case of the Petitioner. Ld. Counsel submits that the Petitioner has erected a permanent structure, covered the drain and is using the passage right next to the wall. Ld. Counsel for the MCD has placed on record several photographs of different dates including photographs as late as 20th February, 2026 to show the manner in which the drain has been covered and encroachments have been made by the Petitioner. The same are taken on record. The said photographs



2026:DHC:1792-DB



are set out below:





2026:DHC:1792-DB





5. When Ms. Mukim, Id. Counsel for MCD handed over these photographs to the Court, Id. Counsel for the Petitioner seriously disputed the same.

6. Accordingly, this Court passed over the matter and directed the MCD officials to make a live video call from the site of vending of the Petitioner.

7. The matter was thereafter, taken upon the passover. The MCD officials made a live video call and the Court has seen the Petitioner as also the vending site. There is no doubt left in the mind of the Court that the photographs



placed on record by the MCD are correct and the Petitioner has made a permanent structure at his vending site, though, the Petitioner may have dismantled some part of it for filing of this writ petition.

8. In the opinion of this Court, the cart which is reflected in the photograph filed by the Petitioner is completely different when seen in the live video call made by the MCD officials today.

9. The drain is covered by the Petitioner and a path has been made from one passage to the other. The sketch which is being filed by the Petitioner shows that there is a *naala* i.e., drain and the Petitioner's vend is after the *naala*. However, the Petitioner has created some sort of structure for people to sit covering the *naala*. The Court notices that the *naala* is completely full of debris and garbage. There is no cleanliness whatsoever as is being depicted in the photographs filed before this Court by the MCD.

10. The COV is issued to the Petitioner subject to various conditions. Those conditions have not been annexed by the Petitioner with the present petition. The standard conditions of the COV have been handed over by Ms. Mukim, Id. Counsel for the MCD which read as under:

“Terms & Conditions of the Vending Certificate

- 1. The seller should not have any other permanent or long-term sales certificate.*
- 2. The vendor certificate will be non-transferable.*
- 3. The seller is required to adhere to the selling period and zones prescribed by the TVC and local body.*
- 4. The seller shall not rent/lease the Sale Certificate in any manner whatsoever.*
- 5. The seller should not be suffering from any infectious disease at present.*



6. The seller will maintain cleanliness in the selling place/zone and the surrounding area will take care of the health of the public.

7. The seller will have to prominently display a copy of the sale certificate at the place of sale and if required, will have to show the original document to the TVC/Concerned inspector.

8. All reasonable efforts shall be made by the street vendors to ensure that pedestrians and traffic are not obstructed in any way.

9. The seller shall not sell any harmful, hazardous or polluting items. It shall also be ensured that the quality of the products sold and the services provided to the public conform to the prescribed public health, sanitary conditions and safety standards.

10. The street vendor shall not indulge in any unauthorized/illegal activity.

11. A mobile vendor shall not stay or vend at any location in a hawking/vending zone for more than 30 minutes or for the period specified by the TVC. The vendor shall not stay or vend in any non-vending zone.

12. Vendors shall not block sidewalks or conduct street vending. Footpaths in front of wedding counters/stalls must be maintained.

13. The certificate of sale may be cancelled or suspended depending on the violations.

14. The seller will not erect/construct any permanent/temporary structure at the sale site.

15. The vendor shall maintain health and hygiene conditions in accordance with local laws and court orders.

16. The vendor must comply with all the conditions mentioned in the Delhi Street Vendors Livelihood Protection and Street Vending Regulation Scheme 2019 by the Delhi Government.”



11. Several of these conditions are being violated as the Petitioner has created a permanent structure, no cleanliness has been maintained, pedestrian movement and traffic has been obstructed, garbage is not being cleaned, the sidewalk is being obstructed, the *Naala* has been covered and hygienic conditions are not being maintained.

12. Under these circumstances, this Court is not inclined to entertain the present petition. The MCD is free to take action in accordance with law against the Petitioner. The MCD shall also restore the hygienic conditions after cleaning of the *naala* with the help of proper equipment so that there is no waterlogging in the area.

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

14. The Petitioner shall deposit costs of Rs. 10,000/-with the Delhi High Court Legal Service Committee within two weeks. The bank details of the Delhi High Court Legal Service Committee are as under:

- ***Name: Delhi High Court Legal Services Committee***
- ***Account No: 15530110008386***
- ***IFSC Code: UCBA0001553***
- ***Bank and Branch: UCO Bank, Delhi High Court***

15. List for filing of compliance report on 23rd March, 2026.

**PRATHIBA M. SINGH
(JUDGE)**

**MADHU JAIN
(JUDGE)**

FEBRUARY 25, 2026/dj/ck