

(2026) 08 DEL CK 4431

In the Delhi High Court, Principal Bench, New Delhi

Case No : W.P.(C) 9454/2026

Akhilesh Kumar

APPELLANT

Vs

Delhi Cantonment Board & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Constitution of India — Article 226

Citation : (2026) 08 DEL CK 4431

Hon'ble Judges : Prathiba M. Singh, J;Vikas Mahajan, J

Bench : Division Bench

Advocate : Mr. Dipak Raj, Advocate, Mr. Tarveen Singh Nanda, Mr. Ankur Mishra, Mr. Gaurav Aggarwal, Mr. Gurpreet Singh, Mr. Asish Nain, Ms. Vaishali Gupta (Panel Counsel for GNCTD), Ms. Aanchal Rajput, Mr. Adhitya Srinivasan, Mr. Rishabh Kanojiya, Mr. Srajan Tyagi, Mr. Rishiraj Singh

Judgement

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner -Akhilesh Kumar under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend from the designated site *i.e.*, on the open space, under the Airport Metro Line, Jharera Village, near Chairman's Drive, Delhi Cantonment Board.
3. The case of the Petitioner is that he is not being allowed to peacefully vend and thus, the prayer is for stopping the harassment which the Petitioner is facing. The photographs of the vending site is extracted below:-
4. The Petitioner claims to be having challans prior to the commencement of survey by the Town Vending Committee (hereinafter, 'TVC') of the Delhi Cantonment Board (hereinafter, 'DCB') on 27thOctober, 2023. Reliance is placed on similar orders passed by this Court.

5. Mr. Tarveen Singh Nanda, Id. Counsel appearing for the DCB has brought to the notice of this Court that a recent order of the Supreme Court dated 13th July, 2026 in ***Suo Moto Writ Petition (Civil) 9/2025*** titled '***In Re: Phalodi Accident v. National Highways Authority of India***' where the Supreme Court had reiterated its order dated 13th April, 2026 in respect of safety of National Highways. In terms thereof, it has been directed as under:-

" xxxx

d) ***Grant and Renewal of License, NOC or Trade Approval-*** No department, authority, or local body shall grant or renew any licence, NOC, or trade approval for any site within Highway safety zones without prior NHAI/PWD clearance; all such existing licences for such sites shall be reviewed within 30 days."

6. For implementation of the above direction, the Supreme Court vide order dated 13th July, 2026 has directed as under:-

"2. The Court further directed that a copy of the said order be transmitted to the Chief Secretaries/Administrators and the Director General of Police of all the States and Union Territories, the State Legal Services Authorities, and the National Highways & Infrastructure Development Corporation Limited.

3. Learned Senior Counsel Mr. A.N.S. Nadkarni, Amicus Curiae, submitted that till date, compliance affidavits have been received only from three States/Union Territories, namely, Bihar, Karnataka and Puducherry.

4. In view of the above submission, we hereby provide that the copy of this order as well as the order dated 13th April, 2026 shall once again be forwarded to all concerned authorities referred to in para 6 of the order dated 13th April, 2026 by e-mail immediately.

5. The authorities concerned shall also be intimated that, in the event the requisite compliance affidavits are not filed within next two weeks, this Court shall be compelled to direct the personal appearance (either physically or through virtual mode), of the Chief Secretaries/Administrators and the Director General of Police of all the defaulting States and Union Territories, before this Court.

6. List on 17th August, 2026."

7. The Court has considered the matter. In terms of minutes of meeting dated 15th January, 2026, of the Delhi Cantonment Board's TVC, vendors who have three challans prior to 27th October, 2023, are to be considered in the list of street eligible vendors. The relevant portion of the said minutes read as under:

"The TVC after lengthy deliberation resolved that ***vendors who are able to produce at least 03 challans. issued by Delhi Cantonment Board, before the date of commencement of survey i.e. 27.10.2023 shall be considered to be included in the list of street vendors subject to the holding capacity finalized by the TVC.***

The TVC further directed the Revenue Superintendent to examine the representations of the vendors, as brought out on the agenda site, in the light of the criteria fixed today by this TVC and to submit a report in the next meeting of TVC for consideration and decision."

8. In a long process of finalising the list of authorised vendors, the DCB had then confirmed the above Minutes and taken a policy decision in its Resolution No. 3

dated 27th January, 2026 wherein it was decided as under:

"The TVC after lengthy deliberation resolved that vendors who are able to produce at least 03 challans, issued by Delhi Cantonment Board, before the date of commencement of survey i.e. 27.10.2023 shall be considered to be included in the list of street vendors subject to the holding capacity finalized by the TVC.

The TVC further directed the Revenue Superintendent to examine the representations of the vendors, as brought out on the agenda site, in the light of the criteria fixed today by this TVC and to submit a report in the next meeting of TVC for consideration and decision."

9. A perusal of the above decision taken by the DCB would show that the TVC had deliberated the matter at length and decided that only vendors who were able to produce at least three challans issued by the DCB prior to the date of commencement of survey i.e., 27th October, 2023 would be entitled to be included in the list of the street vendors. The above list would also be subject to the holding capacity which the TVC wants to finalise.

10. These minutes of the meeting held on 15th January, 2026 have been considered by this Court in a number of petitions and the DCB was directed to take a decision on the basis of the said minutes, in respect of various vendors who had approached this Court.

11. In ***W.P.(C) 17785/2025*** titled '***Gyan Chand v. Delhi Cantonment Board & Ors.***', vide order dated 2nd April, 2026, this Court directed as under:

"7. Heard. This Court has considered similar matters, including W.P.(C) 2667/2026 titled Danveer Yadav vs. Delhi Cantonment Board, W.P.(C) 18926/2025 titled Narender Yadav v. Delhi Cantonment Board and Ors., and W.P.(C) 18942/2025 titled Anita Devi v. Delhi Cantonment Board and Ors..

8. In W.P.(C) 2667/2026 titled Danveer Yadav (supra), vide order dated 25th February, 2026, the Court had held as under:

"3. The Petitioner claims to be a street vendor in Delhi Cantonment Board and prays that his case be considered in terms of the minutes of meeting of the Town Vending Committee dated 15th January, 2026.

4. The case of the Petitioner is that he has three challans to show that he has been vending in the said area. The Petitioner has also made a representation to the Delhi Cantonment Board that he be issued a Certificate of Vending (hereinafter, 'COV').

5. Mr. Mishra, Id. Counsel for the Petitioner relies upon the minutes of meeting dated 15th January, 2026 of the Town Vending Committee wherein it was decided that if any vendor is able to produce three challans issued by the Delhi Cantonment Board prior to commencement of survey i.e., 27th October, 2023, then such cases shall be considered by the Town Vending Committee.

6. Mr. Nanda, Id. Counsel for Respondent No. 1-Delhi Cantonment Board also confirms the above decision taken in the said meeting.

7. The Court has considered the matter, including the photographs placed on record. The case of the Petitioner is that he has three challans prior to 27th October, 2023. The relevant portion of the Minutes of meeting dated 15th January 2026 read as under:

"The TVC after lengthy deliberation resolved that vendors who are able to produce at

least 03 challans. issued by Delhi Cantonment Board, before the date of commencement of survey i.e. 27.10.2023 shall be considered to be included in the list of street vendors subject to the holding capacity finalized by the TVC. The TVC further directed the Revenue Superintendent to examine the representations of the vendors, as brought out on the agenda site, in the light of the criteria fixed today by this TVC and to submit a report in the next meeting of TVC for consideration and decision.”

8. Accordingly, in terms of the minutes of meeting dated 15th January, 2026, let the case of the Petitioner be examined by the Delhi Cantonment Board and the decision be communicated to the Petitioner within a period of one month from today.

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

9. Further, a perusal of the minutes of meeting dated 15th January, 2026 of the Delhi Cantonment Board would show that in the said minutes, the resolution which has been passed, is extracted below:

“Resolution No. 1 & 2:

[...]

(8) The TVC further resolved that the holder of temporary vending certificate shall not be evicted from the vending site till the finalisation of vending zones and issuance of vending certificate. However, if there is any violation by these vendors then process should be initiated to cancel the temporary vending certificate.

[...]

Resolution No. 3:

[...]

The TVC after lengthy deliberation resolved that vendors who are able to produce at least 03 challans. issued by Delhi Cantonment Board, before the date of commencement of survey i.e. 27.10.2023 shall be considered to be included in the list of street vendors subject to the holding capacity finalized by the TVC. The TVC further directed the Revenue Superintendent to examine the representations of the vendors, as brought out on the agenda site, in the light of the criteria fixed today by this TVC and to submit a report in the next meeting of TVC for consideration and decision.”

10. It is clear from the above, vendors who are able to produce at least three challans issued by the Delhi Cantonment Board prior to 27thOctober, 2023 shall be considered for inclusion in the list of street vendors. In addition, the representations of the concerned vendors are to be examined on the basis of the said requirement.

11. In the present case, there are some challans which have been filed by the Petitioner that are prior to 2023 i.e., 21stSeptember, 2015, and 18thJune, 2019. The case of the Petitioner is that he has not been allowed to vend at the concerned site. The Cantonment Board has already taken a decision vide Minutes of Meeting dated 15th January 2026 to the effect that those persons who have challans prior to 27th October 2023 shall not be disturbed and that their cases shall be verified and a decision shall be taken.

12. Considering the order dated 25thFebruary, 2026 passed in similar matters including Danveer Yadav (supra), let the case of the Petitioner be also examined by the TVC/Delhi Cantonment Board and the decision be communicated within a period of one month.”

12. Thereafter, on 22ndMay, 2026, the Court had considered a batch of matters,

being **W.P.(C) 7270/2026** titled **Dinesh v. Delhi Cantonment Board & Ors. & other connected matters**, wherein the Court noted that pursuant to various orders passed by this Court, the TVC had undertaken a detailed exercise by which the challans of the vendors have been scrutinised and after scrutiny, the vendors who were able to produce three challans prior to 27th October, 2023 were included in the list of vendors. Those vendors who could not produce challans prior to 2023 or furnished insufficient numbers of challans have been rejected.

13. Accordingly, on 22nd May 2026, the Court had passed the following order in **W.P.(C) 7270/2026** titled **Dinesh v. Delhi Cantonment Board & Ors. & other connected matters**:

"12. After the scrutiny of challans, the final minutes of the meeting dated 24th April, 2026 which has been handed over to the Court would also show that the consideration has been properly done and no fault can be found with the same. Those persons who had the requisite documents have been added in the list of vendors and those who did not, their candidature has been rejected.

13. Under these circumstances, this Court is of the opinion that the prayers being sought by present Petitioners who were unable to produce three challans prior to 27th October, 2023 cannot be accepted and hence, the rejection orders cannot also be faulted.

14. At this stage, Id. Counsel for the Petitioner submits that the mere fact that some of the Petitioners had two challans or one challan would in effect show that they were vending prior to 2023.

15. In the opinion of this Court, such Petitioners who were unable to produce three challans, in view of the policy decision, cannot be considered for being listed as authorised vendors. However, after the TVC finalises the vending plan and if there is any excess capacity available, these Petitioners who have lesser number of challans can be considered as part of the next survey.

16. Needless to add, the Delhi Cantonment Board is free to take action against any unauthorised vendors in accordance with law."

14. As can be seen from the record of the present case, the Petitioner had not submitted the challans at the relevant point of time when the survey was conducted. The DCB has completed its survey and list of authorised vendors has already been drawn up. In the opinion of this Court, the Petitioner has approached the Court at a belated stage and the survey, therefore, cannot be re-opened.

15. However, after the TVC finalises the vending plan and if there is any excess capacity available, the Petitioner who claim to have three challans and have produced the same belatedly, can be considered as part of the next survey.

16. The Petitioner has also made a representation dated 13th July, 2026 to the Chairman, TVC. The same shall be considered by the TVC and shall be disposed of in accordance with law, bearing in mind the past minutes of meeting including the minutes dated 15th January, 2026.

17. The TCV shall, while considering the said representation of the Petitioner, also

bear in mind the recent direction of the Supreme Court in the order dated 13th April, 2026 in ***In Re:Phalodi Accident (Supra)*** as reiterated *vide* order dated 13thJuly, 2026 and if any licenses are to be given, the same shall be strictly in accordance with the said order.

18. This order shall not in any manner prevent the DCB from taking action in accordance with law against the vendors who do not have a provisional Certificate of Vending (hereinafter, 'CoV') inasmuch as those CoV holders who are not running mobile vend and also appear to be encroaching upon public roads, footpath, etc., cannot be permitted to vend contrary to the terms and conditions applicable to those vendors who hold provisional CoVs.

19. The maintenance of discipline in the subject area by the vendors would be fully within the powers of the DCB and the local police.

20. Petition is disposed of in the above terms. Pending applications, if any, are also disposed of.