

(2025) 06 DEL CK 0576
In the Delhi High Court
Case No : Writ Petition (C) No. 7870 Of 2025

Sunil Kumar

APPELLANT

Vs

Municipal Corporation Of Delhi And Ors

RESPONDENT

Date of Decision : 04-06-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 06 DEL CK 0576

Hon'ble Judges : Tushar Rao Gedela, J; Harish Vaidyanathan Shankar, J

Bench : Division Bench

Advocate : Anup Kr. Das, Uday Chauhan, Manoj Kumar Sharma

Final Decision : Disposed Of

Judgement

Tushar Rao Gedela, J.

W.P.(C) 7870/2025 and CM APPL. 34765/2025 (for directions)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking the following relief:

“(a) Allow the present Writ Petition and Issue a writ in the nature of Mandamus or any other appropriate writ directing the Respondent no.1/MCD prohibiting Respondent no.1/MCD to not frequently harass and give threats the Petitioner to displace from his hawking/ squatting site/ Tea stall situated at the back lane of D-7 and D-39 NDSE- II, New Delhi.”

2. After some arguments, learned counsel appearing for the Petitioner submits that the Petitioner would have no objection, in case this Court would pass directions as noted by the Co-ordinate Bench of this Court in Mohammad Naved vs. Municipal Corporation of Delhi and Ors. bearing W.P.(C) No.12841/2023 rendered on 10.10.2023, particularly, in paragraphs 8 to 10 of the said judgment. The said judgment is handed over in Court and is taken on record.

3. Mr. Manoj Kumar Sharma, learned Standing Counsel for the MCD/Respondent

No. 1 submits that in case the Petitioner is restricting his relief to that contained in paragraphs 8 to 10 of the judgment in Mohammad Naved (supra), the Petitioner should file an affidavit of undertaking to that effect and scrupulously follow the conditions laid down in the Certificate of Vending ('COV') issued to him.

4. We have perused the judgment of the Co-ordinate Bench in Mohammad Naved (supra), particularly, paragraphs 8, 9 and 10, which are extracted hereinunder :-

"8. In view of the foregoing, learned counsel appearing on behalf of the petitioner, limits the relief in the present writ petition, to a direction to the Municipal Corporation of Delhi, to permit the above-mentioned street vendor, to continue to vend within City-SP Zone, Ward-85-N, strictly and scrupulously in compliance with the terms and conditions of the said certificate of vending.

9. In view of the above, the present writ petition is partly allowed; and the Municipal Corporation of Delhi is directed to permit the abovementioned street vendor, to vend within his respective zone, subject to the terms and conditions as specified in the certificate of vending, without any let or hindrance.

10. Needless to state that, insofar as prayer clause IV is concerned, the petitioners will be at liberty to prosecute their representations and articulate any difficulties faced by them, before the appropriate authorities, in accordance with law in relation to the certificate of vending."

5. In view of the above, we direct the Respondent/ MCD to permit the Petitioner to vend within the Central Zone, Ward S-60 in respect of food/ snack with gas cylinder/ fire, in strict compliance with the terms and conditions of the said COV. It is also made clear that the said vending is permitted, subject to the Petitioner not being stationery at one place and to be mobile, in accordance with the terms of the COV. Moreover, the Petitioner is granted liberty to pursue his representation and articulate any difficulties faced by him before the appropriate authority, in accordance with law, in relation to the COV.

6. The Petitioner is directed to file an undertaking by way of an affidavit of the directions noted above within one week from today, with an advance copy to the learned counsel for the respondent.

7. It is needless to observe that the Respondents are at liberty to take action in accordance with law, in case there is any violation of the terms and conditions of the COV.

8. The petition is disposed of in the above terms. Pending application also stands disposed of.