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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 01st July, 2026

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+ W.P.(C) 8408/2026 and CM APPL. 39411/2026

SURESH SHAH

.....Petitioner

Through: Mr. AK Mishra, Mr. Arpit Mishra, Ms. Alphy Thomas and Ms. Kajal Mishra, Advocates.

versus

MCD AND ORS

.....Respondents

Through: Ms. Meherunnisa Anand. Jaitley Adv. for MCD.
Ms. Uma Prasune, SPC with Mr. Akash Gupta, GP and Mr. Shreyansh Gupta, Advs. for R-2 & 3.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

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. Suresh Shah under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend from the vending site near VIP Gate, Nizamuddin Railway Station, South Delhi (*hereinafter, 'the vending site'*).
3. The case of the Petitioner is that he is a street vendor, who has been vending from the vending site for several years. The Petitioner has been issued



a *provisional* Certificate of vending (*hereinafter*, 'CoV') bearing *URI No. 5656950* under the category of '*Food/Snack with gas cylinder/fire*' for Central Zone, Ward- S-55.

4. The grievance of the Petitioner is that he is being repeatedly obstructed by the concerned officials of the Municipal Corporation of Delhi (*hereinafter*, 'MCD') and Delhi Police from peacefully carrying out his vending activities, despite the fact that he has a proper CoV.

5. Ld. Counsel for the Petitioner submits that the Petitioner is complying with the terms and conditions of the CoV, however, he is being unnecessarily harassed by the authorities.

6. On the other hand, Ms. Meherunnisa Anand, ld. Counsel for the MCD points out that the area from where the Petitioner is presently carrying on vending activities has a functioning school in its vicinity namely, '*Mata Sushila Malhotra DAV Primary School*'. It is further submitted that the Petitioner is selling tobacco, cigarettes, *pan masala* and other similar products near a primary school, which this Court has already prohibited in various orders, including the order dated 19th March, 2026 passed in *W.P.(C) 3524/2026* titled '*Ram Prasad (deceased) through his daughter Rita Devi v. Municipal Corporation of Delhi*' .

7. Ld. Counsel for the MCD submits that in *W.P.(C) 3524/2026*, the street vendors were from the same area and were vending in front of the same school. She further submits that proper cleanliness is also not being maintained by the Petitioner, near the vend. In this regard, certain photographs have been placed on record.

8. Heard. The Court has perused the documents and the photographs which have been placed on record.



9. The Petitioner has placed on record photographs which do not reveal any products of the Petitioner. The same are extracted below:-



10. On the other hand, the photograph produced by the Id. Counsel for the MCD reveals that the Petitioner is selling products such as *pan masala*, *gutka*, cigarettes and other similar items. The photograph also indicate that the



Petitioner has failed to maintain cleanliness at the vending site. The said photograph is extracted below:



11. This Court in *Ram Prasad (Supra)* has considered a similar case wherein the vendors were selling *pan masala*, *gutka*, cigarettes and other similar items outside the same primary school and has observed as under:



“[...]11. Furthermore, *Id. Standing Counsel for the MCD* submits that the school authorities have also complained that these vends are selling substances including gutka, pan masala etc., which would be completely impermissible outside a primary school.

12. The Court has considered the matter. Serious objection is taken to the photograph filed by the Petitioner on the ground that the same is misleading. The images placed on record by the MCD are quite stark. **A perusal of the photographs and videos placed on record by the MCD would show that the vend of the Petitioner is opposite the Mata Sushila Malhotra DAV Primary School.**

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18. Accordingly, MCD shall take action against Smt. Rita Devi in accordance with law, to ensure that the ingress and egress of the Mata Sushila Malhotra DAV Primary School is not obstructed in any manner by the Petitioner’s vend as also by any other vends and carts. The other vends and carts which are selling products such as gutka, paan masala, etc., - that too in front of a school, shall also be removed from the vicinity of the said school, by the MCD...”

12. There can be no doubt that in terms of the aforesaid order, the Petitioner shall not be permitted to sell *pan masala*, *gutka* and other similar products close to the ‘*Mata Sushila Malhotra DAV Primary School*’, where young children would be studying.

13. Moreover, the Petitioner is also obliged to maintain cleanliness, which is not being maintained, as per the photograph which has been placed on record by the *Id. Counsel for the MCD* along with the geo-tagging.

14. However, the Petitioner holds a valid CoV. Under these circumstances,



the following directions are issued:

- i) The MCD shall ensure that the Petitioner does not, in any manner, obstruct the ingress to or egress from the school by its students, parents or faculty. The MCD shall, accordingly, identify an appropriate space from where the Petitioner may carry on vending activity.
- ii) The Petitioner shall not sell any products such as *pan masala*, *gutka*, cigarettes or any other tobacco products which could be harmful to the children, outside or in the vicinity of the *Mata Sushila Malhotra DAV Primary School*.
- iii) The Petitioner shall be permitted to use a small gas cylinder which does not occupy too much space.
- iv) 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;
- vi) 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;
- vii) 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;
- ix) No permanent or temporary construction shall also be erected by the Petitioner;

15. 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 Street Vendors (Protection of Livelihood and Regulation of Street Vending)



Act, 2014 and no vested rights shall be claimed.

16. The identification of an alternate vending site for the Petitioner shall be done by the concerned Assistant Commissioner, MCD within a period of three days from this order.

17. Upon such identification, the Petitioner shall move his vend to an appropriate place which is allotted, and abide by the above stated conditions.

18. Subject to the above, the Petitioner shall not be disturbed from peacefully vending in terms of the CoV.

19. The present petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

JULY 1, 2026*/dss/MR/SM*