

Yashoda Devi vs MCD Through Commissioner & Anr.

Yashoda Devi vs MCD Through Commissioner & Anr.

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Court : Delhi

Decided On : Apr-16-2026

Judge : Hon'Ble Ms. Justice Prathiba M. Singh, Hon'Ble Mr. Justice Madhu Jain

Appeal No. : W.P.(C)/11872/2025

Appellant : Yashoda Devi

Respondent : MCD Through Commissioner & Anr.

Advocate for Def. : Mr. Harshit Chopra, Mr. Aditya Verma

Advocate for Pet/Ap. : Mr. K.C. Aggarwal

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 16th April, 2026 Uploaded on: 20th April, 2026 +
W.P.(C) 11872/2025 & CM APPL. 24494/2026, CM APPL. YASHODA
DEVIPetitioner Through: Mr. K.C. Aggarwal, Adv.

versus

MCD THROUGH COMMISSIONER & ANR.Respondents Through:
Mr. Harshit Chopra Standing Counsel MCD along with Swati Tiwari Adv

and Khushal Chand Agarwal Adv, for R1 MCD Ms.Prabhsahay Kaur (standing council DDA), Mr. Aditya Verma, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH JUSTICE MADHU JAIN

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by Mrs. Yashoda Devi, who claims

to be a vendor in the C-Block, East of Kailash Market, New Delhi, selling fruits and vegetables. The Certificate of Vending bearing no. URI:2241122 has been issued to the Petitioner under the category of fresh fruits/ vegetables/perishables and the permissible vending zone is specified as Central Zone, Ward S-89. One of the conditions of vending mentioned with the Certificate of Vending is condition no. 11 which is as under: 11. Mobile vendors shall not stay and shall not

Signed By:RENUKA W.P.(C) 11872/2025 Page 1 of 15 do selling activities more than 30 minutes or time prescribed by TVC at any hawking/vending zone. The vendor shall not stay or do any selling at any non-vending zone.

3. This is the second writ petition filed by the Petitioner, inter alia,

seeking a declaration that she is a stationary vendor and not a mobile vendor as specified in her Certificate of Vending. In the earlier round, the Petitioner had filed W.P.(C) 1596/2023, titled Mrs. Yashoda Devi v. Municipal Corp of Delhi through Commissioner & Others in which vide order dated 8th February 2023 which was directed as under: However, learned counsel appearing on behalf of the petitioner limits the relief to a

direction to the Municipal Corporation of Delhi to permit her to continue to vend without impediment or hindrance in accordance with the terms and conditions of the vending certificate dated 06.11.2021, issued to her, which is annexed as Annexure P-1.

Learned counsel appearing on behalf of Municipal Corporation of Delhi, on advance notice states that they will permit Mrs. Yashoda Devi to vend at Central Zone, Ward S-89, in terms of the said certificate, however, strictly in accordance with the terms and conditions stipulated therein. Directed accordingly. The petitioner prays for and is granted leave to approach the appropriate authorities in accordance with law in relation to prayer Clause II and IV. Leave and liberty granted. The petition is disposed of accordingly. Signed By:RENUKA W.P.(C) 11872/2025 Page 2 of 15 As per the above order, the Petitioners stand was recorded that she would vend strictly as per the terms and conditions in the provisional CoV and subject to the same, she would not be disturbed.

4. Thereafter, the Petitioner had filed a Contempt Petition being CONT.CAS(C) 518/2023, titled Mrs. Yashoda Devi v. Mr. Rajpal Singh & Ors., in respect of the above order. In the said Contempt Petition, after

hearing the parties, the Id. Single judge had disposed of the same vide order

dated 18th March, 2025 in the following terms: 10. In the opinion of this Court, Order dated 8th February 2023 merely states that petitioner will be permitted to continue to vend without any hindrance, in accordance with terms and conditions of CoV dated 6th November 2021.

11. Considering the conditions as contained in CoV, petitioner is at liberty to approach the Roster Bench and seek clarification in W.P. (C) 1596/2023, for his purpose.

12. In the meantime, petitioner shall continue to comply with terms and conditions of CoV.

13. It is however directed that considering the advanced age of petitioner, there will be no unnecessary harassment meted out to her either by MCD officials or by respondent no.7, in any manner whatsoever.

5. Pursuant to the said order passed in the contempt, the Petitioner filed

an application in W.P.(C) 1596/2023, bearing no. CM APPL. 27819/2025. Vide order dated 23rd May, 2025 after considering the order dated 8th February 2023, the Court had directed as under: Signed By:RENUKA W.P.(C) 11872/2025 Page 3 of 15

5. It is the case of the Petitioner that presently, the Petitioner is being repeatedly disturbed from vending at the vending area, as the shopkeeper of the shop in front of the place where she is vending is an influential person and hence, it is prayed that the clarification with respect to the order dated 8th February, 2023, should be given to the effect that the Petitioner is a stationary vendor and cannot be removed from her vending area.

6. According to Mr. Aggarwal, Id. Counsel for the

Petitioner, the opening of the alleged shopkeepers shop is also contrary to the by-laws. It is due to the harassment by the said shopkeeper that the Petitioner is forced to file this application.

7. Id. Counsel for Respondent No. 1- Municipal

Corporation of Delhi has placed before this Court the photographs of the Petitioners vending spot. A perusal of the same would show that the Petitioner has a small wooden table on which she is vending her fresh fruits, vegetables and perishables goods. The certificate of vending has the following conditions attached to it:

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8. In terms of the above stated conditions, the Petitioner

is not permitted to claim that she is a stationary vendor. In fact, it is the position of Respondent No. 1- Municipal Corporation of Delhi that permanent certificates of vending are yet to be issued to vendors as the survey of the Town Vending Committee is still ongoing and no such certificates are issued to any vendors.

9. One of the conditions in the vending certificate is Signed By:RENUKA W.P.(C)
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that she would be a mobile vendor and she cannot put up any permanent structure. Under such circumstances, in the opinion of this Court, the only relief that the Petitioner would be entitled to is that so long as she adheres to the terms and conditions in the certificate of vending, she would not be disturbed. This relief is also the exact relief which has already been granted in her favour vide order dated 8th February, 2023.

10. The Petitioner would have to ensure that she does not hamper the pedestrian movement at the vending area.

11. Accordingly, the application is disposed of in terms of the order dated 8th February, 2023 and no further relief is liable to be granted.

6. As can be seen from the above, in all the three orders the Court has

repeatedly recognised the fact that the Petitioner is a mobile vendor and that she is not a stationary vendor. Accordingly, subject to her complying with the conditions of the provisional Certificate of Vending, the Petitioner was free to continue the vending activities and would not be disturbed.

7. Despite the above orders, the present Writ Petition has now been filed

seeking almost exactly the same relief i.e., declaration that the Petitioner is a stationary vendor. However, the order dated 23rd May, 2025 passed in CM APPL.

27819/2025 in W.P.(C) 1596/2023, has been cleverly concealed by the Petitioner.

8. For the sake of completeness, the prayer sought in this Writ Petition is as under:- Signed By:RENUKA W.P.(C) 11872/2025 Page 6 of 15

I. Directing the Commissioner of Police and Commissioner of MCD to remove the barricades with immediate effect and free the petitioner, her family members and her vending goods from confinement at the vending site. II. Permitting the petitioner to remove the said barricades if there is delay by MCD/ Police and to remove the same if barricades are put again.

III. Directing the Commissioner of MCD with Commissioner of Police to take immediate action to close the back side illegal opening of Shop no. 1,2 and 3 at East of Kailash Market to remove the cause of dispute and put to quietus the reason or the illegal motive for causing continuous and day to day harassment to the petitioner.

IV. Declare that the petitioner is a stationary vendor unless otherwise held by any court.

V. Directing the Commissioner MCD and Commissioner Police to issue and enforce appropriate directions to the officials not to put any hurdles or take away any articles of the petitioner unless there are written orders of any court or Competent Authority under the law and further directing to return the illegally seized items or pay back their value and fix responsibility for the violation of law already committed and harassments already caused.

VI. Directing the MCD to write appropriate letter to BSES Rajdhani Power Ltd. with Copy of the petitioner for withdrawing their earlier letter for removal of and immediate release of electric Connection vide K No. 350804775. Signed By:RENUKA W.P.(C) 11872/2025 Page 7 of 15

9. It is the case of the Petitioner that she is a stationary vendor and that the

MCD and police officials had illegally confined the Petitioner by placing barricades around her vend. The Petitioner has been heard and the petition has been considered on several dates. In the first order passed on 7th August, 2025, the barricades placed around the Petitioners vend were directed to be removed on the strength of the order dated 8th February, 2023 passed in the first round of litigation. However, it is observed that, at that stage, the predecessor Bench of this Court did not have the benefit of the order dated 23rd May, 2025 passed in the CM APPL. 27819/2025 in W.P.(C) 1596/2023 as the same had not been placed on record. It was on the basis of the earlier order, dated 8th February 2023 that the barricades were directed to be removed. Thereafter, the matter has been heard from time to time.

10. The Court has heard Mr. K.C. Aggarwal, Id. Counsel for the Petitioner

in detail. The basic contention of Mr. Aggarwal, Id. Counsel is that the Petitioner is not a mobile vendor, as specified in her Certificate of Vending, and that she is a stationary vendor. It is argued that the Petitioner has been working in the East of Kailash C block market for the last 40 years.

11. The Court has also heard the Id. Counsel for the MCD and Id. Counsel for the private Respondents who are the shopkeepers in the subject market.

12. A perusal of the photographs placed on record, would show that the

Petitioner has created a stationary vend which occupies a substantial space of the pavement in the subject market. The relevant photographs filed in the Petition are set out below:

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certain photographs to show that during the day there are few trays which are kept by the Petitioner but at night a larger portion of the pavement is occupied by the Petitioner.

and by the Respondent/shopkeepers shows one thing i.e., that the subject vend of the Petitioner is not a mobile vend, and in fact it is a stationary vend where the petitioner and her son are sitting in one place and vending fresh fruits and vegetables. However, in terms of the provisional Certificate of Vending issued to the Petitioner this would not be permissible. In fact, the Petitioner ought to have fairly disclosed all the orders which were passed by this Court in the earlier Writ Petitions which the Petitioner failed to do.

15. At this stage, Mr. Aggarwal, Id. Counsel for the Petitioner submits that

due process ought to be followed and the Petitioner ought not to be disturbed as the Srinivaspuri, Ward is a huge ward covering East of Kailash, B-Block, C-Block, Friends Colony, Okhla etc., and therefore, the Petitioner is permitted to vend in East of Kailash C-Block Market.

16. In the opinion of this Court, this submission is completely bereft of any

merit. A perusal of the list of vendors which has been attached in the reply of the Respondents No. 3 to 5, would also show that specifically the Petitioner is recognised as a vendor in Srinivaspuri Ward No. 68, Delhi. The said document is stated to have been accessed from the website of MCD. The entry in respect of the Petitioner reads:

It is clear from the same that the Petitioner is not recognised as a vendor in any particular market or on any particular street or with respect to any specific landmark for example there are other vendors who have vending sites which are specifically mentioned as - Near Iskcon Temple; Garhi Main Market; Signed
By:RENUKA W.P.(C) 11872/2025 Page 13 of 15 Amritpuri near Iskcon Temple; East of Kailash C-Block Market etc.

17. The Petitioner having been recognised only as a mobile vendor in the

whole ward of Srinivasapuri and the same having been also specified in her provisional certificate of vending, as also the fact that three different orders have been passed reiterating this position, at this stage the Petitioner cannot be recognised as a stationary vendor. The Petitioner is required to comply with the terms and conditions of the vending certificate which specifies her to be a mobile vendor requiring that she should not vend at any particular spot for more than 30 minutes.

18. Mr. Aggarwal, Id. Counsel for the Petitioner also submits that the

Petitioner has filed a civil suit in this respect of whether she is a stationary vendor or not. The Court is not going into the merits of the civil suit, however, the provisional certificate of vending being clear, it categorically shows that the Petitioner is a mobile vendor, and she cannot be permitted to be recognised as a stationary vendor.

19. The submission of Mr. Aggarwal is that this issue has not been

adjudicated as to whether the Petitioner is a stationary or a mobile vendor - the said adjudication would not be required as the Petitioner's provisional certificate of vending itself states clearly that she is a mobile vendor.

20. In view of the above and considering that the barricades around the

Petitioner's vend have been removed, in the opinion of the Court no other relief is liable to be granted. The Petitioner shall abide by the terms and conditions of the provisional Certificate of Vending, including Condition No. 11, which requires her to not vend from any particular spot for more than 30 minutes.

21. The MCD and the police shall take appropriate action to ensure that the
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Petitioner does not operate as a stationary vendor.

22. Further, in view of the clever concealment of the order dated 28th May,

2025 by the Petitioner by not filing the same although it had the duty to do so, a cost of Rs. 20,000/- is imposed upon the Petitioner to be deposited with the Delhi High Court Legal Services Committee. The account details of the same are as under: Name : Delhi High Court Legal Services Committee A/c No. : 15530110008386 Bank : UCO BANK Branch : DELHI HIGH COURT IFSC : UCBA0001553

23. Insofar as the encroachments by any other shopkeepers in the corridors

of the East of Kailash market are concerned, the MCD is free to take action against the concerned shopkeepers and remove any encroachments by the shopkeeper in this regard.

24. The Asst. Commissioner, Dr. Rajiv Nayan is present in Court and has undertaken to give effect to this order passed by this Court.

25. The present petition is disposed of in the above terms. Pending applications, if any, are also disposed of. PRATHIBA M. SINGH JUDGE MADHU JAIN JUDGE
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