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

Judgment Delivered on: 29.05.2023

+ **W.P.(C) 7559/2023**

SHANKAR GUPTA AND ANR

..... Petitioners

versus

NEW-DELHI MUNICIPAL COUNCIL Respondents

Advocates who appeared in this case:

For the Petitioners
For the Respondents

:Mr. N.K. Sahoo, Advocate.
:Mr. Harsha Peechara, ASC with Ms. Devika Mohan, Ms. Harshita Gupta and Mr. Shubham Mishra, Advocates for NDMC.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

1. The present petition has been instituted on behalf of the petitioners under Article 226 of the Constitution of India, 1950, praying as follows:

“(I) To issue a writ of mandamus or appropriate writ or direction or order directing the respondent for modification / separation or bifurcation of the existing Tehbazri records in the name of petitioners in terms of order dated 07.06.1999;



(II) To issue a writ of mandamus or appropriate writ or direction or order directing the respondent for collection of Tehabazri fees from each petitioner separately for the area measuring 3'x 4';

(III) And to pass such other and further order or orders as this Hon'ble court deem fit and proper in the interest of Justice."

2. Issue notice.

3. Mr. Harsha Peechara, learned ASC, accepts notice on behalf of New Delhi Municipal Council.

4. The present writ petition is a gross abuse of the process of law. In the first instance, the petitioner placed reliance on a recommendation made by the Thareja Committee, as far back as in the year 1994. It is evident that the petitioner has not articulated any grievance since that time either before this Court except addressing representations to the Municipal Corporation of Delhi.

5. The filing of representations does not entitle the petitioner to seek redressal of a stale claim, as is clarified in the judgment of the Hon'ble Supreme Court in the case of '*C. Jacob v. Director of Geology and Mining & Anr.*' (2008) 10 SCC 115. Even otherwise, it is observed that the petitioner and his brother were jointly allotted the subject site by the New Delhi Municipal Council as far back as in the year 1999.

6. The petitioners have admittedly been vending from that site jointly



since then. It is also an admitted position that the petitioners had filed the representation dated 16.09.2022, which has been responded to, by the NDMC in the following manner:-

**“ENFORCEMENT DEPARTMENT (NORTH)
NEW DELHI MUNICIPAL COUNCIL
PRAGATI BHAWAN: JAI SINGH ROAD
NEW DELHI-110001**

**Sh. Shanker Gupta & Anup Kumar
S/o Sh. Mangal Prasad
Tehbazari No. 134-T-48
Connaught Place
New Delhi-110001**

Sub: Regarding Tehbazari No. 134-T-48, N Block, Connaught Place, New Delhi.

Kindly refer to your request dated 16.09.2022 seeking separation of Tehbazari No. 134-T-48, (6x4) N Block Connaught Place, New Delhi into two parts i.e. one in the name of Sh. Shanker Gupta (4x3) allotted by Chaturvedi Committee appointed by Supreme Court of India.

2. In this context, it is submitted that the alleged Tehbazari had allotted in the year 1999 by Chaturvedi Committee based on the recommendation of Thareja Committee. Now, appropriate legislation regarding street vending has been promulgated by Govt. of India known as Street Vendor Act, 2014 and all the power for regulation of street vending has been delegated.

3. In view of this, at this or any other Stage, it is not possible for the NDMC to consider your request, as the appropriate authority is the TVC which will be constituted as and when survey is completed by the present TVC under the Scheme 2019.

4. This has the approval of Director (Enf.) North.

MI (HQ), Enf. North”

7. There is no gainsaying the legal position, thereafter coming into force of the Street Vendors (protection of livelihood and regulation of street vending) Act, 2014, the Rules and the Scheme, the power to permit



vending rests solely, in the first instance, with the duly constituted Town Vending Committee.

8. In view of the foregoing, the present writ petition is devoid of merits and the same is hereby dismissed and disposed of accordingly.

9. The copy of this judgment be uploaded on the website of this Court *forthwith*.

**SIDDHARTH MRIDUL, J
(JUDGE)**

**TALWANT SINGH, J
(JUDGE)**

MAY 29, 2023/mr

[Click here to check corrigendum, if any](#)

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