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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 17th August, 2026**Uploaded on: 19th August, 2026*# **CNR No. DLHC010439532025**+ **W.P.(C) 9883/2025****AVDHESH KUMAR**

.....Petitioner

Through: Mr. Mohd. Shadan and Mr. Mohd.
Khalid, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Vikas Chopra, Standing Counsel
MCD with Mr. Neeraj Kumar Adv. for
MCD.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE VIKAS MAHAJAN****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The prayer in this case is for issuance of directions to the MCD to update the registered mobile number and identity proof in respect of Tehbazari Site No. 13350, Sector-4, R.K. Puram, New Delhi (*hereinafter, 'the Tehbazari site'*) to reflect the Petitioner's credentials.
3. The background of the case is that the Petitioner claims to have entered into certain transaction documents *i.e.* Agreement to Sell, General Power of Attorney, possession letter, Will in January, 2010 along with one Sh. Pawan Yadav and Sh. Dinesh with respect to the Tehbazari Site.



4. Thereafter, a request was filed by the Petitioner before Deputy Commissioner (South Zone) for updation of his mobile number and other credentials with respect to the Tehbazari site. However, it is the case of the Petitioner that no steps were taken in this regard.

5. After sometime, a complaint was registered against one Ms. Naz Khan for illegally registering her name and mobile number in connection with the Tehbazari site, however, no action was taken in this regard either.

6. The Petitioner was then stated to have discovered that the MCD was accepting rent from Ms. Naz Khan for the Tehbazari site, despite the Petitioner's prior payment.

7. Thus, the case of the Petitioner is that his credentials ought to be updated for the said Tehbazari site.

8. Ld. Counsel for the Respondent has brought to the notice of the Court, a judgment dated 09th April, 2009 passed by the Supreme Court of India in ***W.P. (C) No. 1699/1987*** titled ***Patri Vyapar Mandal Delhi (Regd.) vs. MCD Town Hall & Ors.*** in which, the Supreme Court has clearly laid down the cut-off date as 6th February, 2007 for transfer of Tehbazari sites to non-family members. The relevant paragraph of the said decision of Supreme Court is set out below:

“23. So far the prayer of the MCD with regard to the transfer of tehbazari/vending sites to the non-family members as per the Scheme of the MCD is concerned, this Court passed an order dated 06.02.2007 barring transfer of tehbazari /vending sites which was reiterated in the order dated 17.05.2007. The said orders were meant to be prospective in nature and, therefore if any such tehbazari/vending sites were transferred prior to 06.02.2007 the same could be considered as a valid transfer. But, in any case, no transfer made after



06.02.2007 by way of change of hands, safe etc. would be allowed and any such transfer, if made, would be illegal. Persons found to have been transferred their tehbazari/vending sites after 06.02.2007 could be evicted as per the due process of law. We believe that the aforesaid order which we have passed with a cut of date of 06.02.2007 and declaring all subsequent transfers as illegal and invalid would likely to cause the process of allotment of new tehbazari/vending sites smooth and easy.

9. Pursuant to this judgment, the MCD, vide Circular bearing No. CL&EC/TTR/2009/532 dated 9th October, 2009, issued by the MCD, Central Licensing and Enforcement Cell, has clarified that whenever there is a change of hands in respect of any Tehbazari, which has taken place after 6th February, 2007, such transfer would not be recognisable and that action for eviction is liable to be taken. The circular dated 09th October, 2009 reads as under:

“NO. CL&EC/TTR/2009/532

DATED:9/10/2009

CIRCULAR

Taking cognisance of the request of the MCD, the Hon'ble Supreme Court of India in the cases titled as "Gainda Ram & Others Vs MCD", "Sudhir Maden Vs MCD & Others" in WPC No. 1699/1987 vide judgement dated 09.04.2009, agreed to permit the change of hand/transfer by sale in respect of tehbazari/squatting sites and Vending/Hawking licence holders, where such change of hand/transfer by sale has taken place upto 06.02.2007. The Corporation vide Resolution No. 201 dated 10.08.2009 approved the norms for permitting such change, which are as under:-

- i) The transfer fee will be charged at the following rates from the present occupants and in addition to the below mentioned amount 10% on the amount on each in-between change of hand, having the present occupant linkage with the original allottee in respect of existing tehbazari/squatting sites will also be*



charged:

Locations (number) and adjoining areas	Category	Transfer charges	
		7'x5' and above.	6'x4'
74	'A'	1,00,000/-	85,000/-
386	'B'	75,000/-	65,000/-
57	'C'	50,000/-	45,000/-

(List attached as Annexure 'A')

The change of hand/transfer by sale in respect of vending/hawing license, the transfer fee will be Rs. 5000 and 10% on the amount in-between change of hand having the present user linkage with the original licensee.

ii). All type of dues in the name of previous allottee(s) shall have to be cleared by the person in whose name the regularisation is to be considered and all type of litigations with MCD or within theme-selves, shall have to be withdrawn. Further, encroachment (excess area covered) if any, has to be removed by the present occupant before ore applying for the mutation/transfer.

iii) The categories of tehbazaries for Govt/Semi-Govt, bodies, will not be considered for transfer of hands except mutation in case of death of allottee.

iv) Tehbazari Squatting/Vending rights will not be transferred in the name of a person who is already in possession of any other tehbazari stall/site or business promises in Delhi & in NCR.

v) In case of death or permanent insanity of allottee, in which case, the legal heir(s) may be substituted in his/her place, subject to the condition that the legal heir(s) shall carry-on the activity himself and shall not permit any-one to carry on the business on his/her behalf. In case there are more than one legal representatives, those already in employment, shall be excluded in the remaining legal representatives agree, allotment will be made in favour of one of men of them (Jointly). No transfer



charges will be levied in such cases of mutation.

vi) Separate agreement deed will be executed by the new person at the time of.....

vii) Where the change of hands takes/taken place after 06.02.2007, the Zonal Licencing Officials/officers will be responsible to take action of eviction as per rules and at the cost & risk of unauthorised occupant.

viii) All cases of dispute in this regard will be heard by Zonal Vending Committee headed by DC of the Zone and appeal against such orders will be heard by Presiding Officer of Zonal Vending Committee i.e. ADJ and if unsatisfied with the same the appeal will lie with the Appellate Committee headed by Retd. High Court Judge and his decision will be final.

ix) The prevailing rate of tehbazari fee will continue with enhancement @ 10% after every three years.

The Zonal authorities will give wider publicity and the applications with required documents will be received through CSB Centres in the Zones and disposed-off within a month from the date of receipt. Applications Incomplete and without proper documents will not be received at-all. An undertaking from the applicants will also be received enumerating therein that they will comply with the conditions and norms of such transfer/mutation.

This issues under orders of the Commissioner in supersession of all previous orders on the subject."

10. In the present case, the Petitioner's documents of transfer of the Tehbazari site are of 2010. In view of the said cut off date i.e. 6th February, 2007 and the Circular issued by MCD clarifying the same, the relief sought in this petition cannot be granted.



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11. Accordingly, the petition is dismissed. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

VIKAS MAHAJAN, J.

AUGUST 17, 2026/dss/ss