



#S-16

IN THE HIGH COURT OF DELHI AT NEW DELHI*Judgment Delivered On: 07.07.2023***W.P.(C) 8971/2023****MOHD. OWAIS****....Petitioner****Versus****NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents****Advocates who appeared in this case:**

For the Petitioner : Mr. Bharat Aggarwal, Advocate.

For the Respondents: Mr. Sri Harsha Peechara, ASC along with Ms. Harshita Gupta and Mr. Shubham Sharma, Advocates for R-1/NDMC.
Mr. Divyam Nandrajog, Panel Counsel, GNCTD along with Mr. Jatin Dua, Advocate for R-2/Delhi Police.**CORAM:****HON'BLE MR. JUSTICE SIDDHARTH MRIDUL****HON'BLE MR. JUSTICE GAURANG KANTH****J U D G M E N T****SIDDHARTH MRIDUL, J. (OPEN COURT)****CM APPL. 34022/2023 (Exemption) & CM APPL. 34080/2023 (Exemption)**

Exemption granted, subject to all just exceptions.

The applications stand disposed of accordingly.

**W.P.(C) 8971/2023**

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

“It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to :-

- a) Direct the respondent for the transferring of vending site of deceased Late Mohd. Ahmed on the name of petitioner as the petitioner was first legal heir of deceased as the petitioner's Father was found in the list of 628 at serial no. 164.
- b) Direct the respondent no.1 for survey the petitioner as the petitioner's father was the existing vendor of NDMC area.
- c) Direct the Town Vending Committee (Respondent No.1) to consider the representation dated 26/06/2023 in accordance with law.
- d) Issue a Writ, Order or Direction or Pass such other or further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Issue notice.

3. Mr. Sri Harsha Peechara, learned Additional Standing Counsel accepts notice on behalf of the respondent no. 1/New Delhi Municipal Council (NDMC) and Mr. Divyam Nandrajog, learned Panel Counsel accepts notice on behalf of the respondent No. 2/Delhi Police.

4. The petitioner limits the relief in the present petition, seeking liberty to approach the concerned Town Vending Committee (TVC) of the area along with the relevant documents for appropriate relief i.e. substitution of his name, instead of that of his deceased father, Mr.



Mohd. Ahmed, who had featured at Serial No. 164 in the list of 628 vendors, prepared by the New Delhi Municipal Council (NDMC) in the year 2012.

5. Mr. Sri Harsha Peechara, learned Additional Standing Counsel appearing on behalf of the NDMC states that, they do not oppose the limited relief, as extracted hereinabove, for the reason that the NDMC itself has asked the petitioner herein, to do precisely that.

6. In view of the foregoing, the limited relief prayed for, on behalf of the petitioner, as afore-extracted is granted, permitting him to take necessary steps in accordance with law.

7. No further relief is prayed for.

8. The writ petition is disposed of accordingly.

9. Copy of this judgment be uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**GAURANG KANTH
(JUDGE)**

JULY 07, 2023/rs

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