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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6015/2024**
INDER MOHAN

..... Petitioner
Through: Mr.Abhishek Saxena, Mr.Singh
Nishant Sanjay Kumar, Mr. Vaibhav
Patel, Mr.Saurav Dewal, Mr.Munish,
Mr.Rahul Pratap Singh, Ms.Mumtaz
Shaikh, Ms.Kamini, Ms.Utsa
Srivastava, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI Respondent
Through: Mr.Pritish Sabharwal, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER
% **30.04.2024**

CM APPL. 24999/2024(Exemption)

1. Exemption is allowed, subject to just exceptions.
2. The application stands disposed of.

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3. Issue notice. The learned counsel for the respondent accepts notice.
4. With the consent of learned counsel for the parties, the petition is taken up for hearing.
5. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondent to decide his representations by a



speaking order. The petitioner claims that his father was a tehbazari holder in respect of the site described as Site No.31, situated at Dr. Munje Chowk, Paharganj, Delhi (hereafter *the site in question*).

6. The petitioner states that his father has since expired and he is entitled to carry on vending activities from the site in question. It is stated that on 16.11.2022, the officials of Municipal Corporation of Delhi (hereafter *the MCD*) issued a show cause notice to the petitioner in respect of default in payment of the rent /license fee in respect of the site in question. The MCD claimed that a sum of ₹72,558/- was outstanding and payable. The petitioner states that he deposited a sum of ₹20,000/- by a demand draft on 27.04.2023, however, the petitioner was unable to pay the balance amount. According to the petitioner, the site in question was sealed by the MCD on account of failure on the part of the petitioner to pay the rent/licence fee.

7. Mr Sabharwal, the learned counsel appearing on behalf of the MCD submits that currently the petitioner has no right to conduct any vending activities from the site in question as it has not been mutated in his name. He also points out that there are disputes between the petitioner and his brother regarding their succession to the rights of their deceased father. He submits that there is a policy to mutate the tehbazari sites in the name of the legal heirs of the tehbazari holder in the event of his demise, however, the legal heir is required to submit the no objection certificate from other heirs as well other documents. He submits that in this case there are other issues in addition to non-payment of the outstanding licence fee in respect to the site in question. However, he has no objection in case a direction is issued by this Court to decide the representation of the petitioner in accordance with law.



8. In view of above, we dispose of the petition by directing the MCD to decide the petitioners' representation dated 04.09.2023. The petitioner may submit such further documents as may be required within a period of one week from today.

VIBHU BAKHRU, J

GIRISH KATHPALIA, J

APRIL 30, 2024

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Click here to check corrigendum, if any