



2024:DHC:6846-DB



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

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Date of Decision : 05.09.2024+ **W.P.(C) 9360/2023**

RANVEER SINGH AND ANR

.....Petitioners

Through: Mr. N. K. Sahoo, Advocate.

versus

NEW-DELHI MUNICIPAL COUNCIL AND ORSRespondents

Through: Mr. Sriharsha Peechara, Standing Counsel along with Mr. Akshat Kulshreshtha and Mr. D. S. Bhanu, Advocates for NDMC.

CORAM:**HON'BLE MR. JUSTICE VIBHU BAKHRU****HON'BLE MR. JUSTICE SACHIN DATTA****VIBHU BAKHRU, J. (Oral)**

1. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to the respondents to substitute the names of the petitioners as legal heirs of their deceased father Bhikki Ram son of Chhidda Lal.

2. The petitioners claim that their father, since deceased, was a street vendor and was carrying on his vending activities at the site described as 'Near P-T-28, Pan Shop, Janpath Lane, Side of Bank of Baroda Building, New Delhi-01', since the year 1976.



3. It is stated that Bhikki Ram expired on 20.04.2023. The petitioners now claim that they be substituted in place of their deceased father. The said prayer is premised on the basis that their deceased father had certain rights to carry on vending activities in the given area and the records of the same are available with the respondents.

4. Mr. Sahoo, the learned counsel appearing for the petitioners, states that New Delhi Municipal Council (hereafter *the NDMC*) had filed an affidavit in an I.A. filed in the case of *Gainda Ram v. NDMC* before the Supreme Court (I.A. No.4 in IA No.411-412 of 2011 in Writ Petition (Civil) No. 1699 of 1987 in the matter of *Smt Usha Gangaria & Ors. v. NDMC* and in the matter of *Gainda Ram v. NDMC*). He submits that in terms of the said affidavit, the NDMC submitted certain proposals for permitting certain street vendors who had approached the Court to carry on vending activities in terms of the Scheme that was approved in the year 1989. He submits that at the material time, the petitioners' father was also entitled to such benefits as he was one of the petitioners that had approached the Court for relief. He submits that based on the number of petitioners that had approached the Court, a list of 628 street vendors were found to be eligible and they have since been accorded protection under orders passed by the Court.

5. Concededly, the name of the petitioners' father does not feature in the list of 628 eligible street vendors that was prepared in the year 2012. We are not inclined to entertain the plea that the petitioners' father name ought to have been included in the said list at this stage.

6. Admittedly, the petitioners' father had filed petitions before this Court which were dismissed. The respondents has placed on record copies of the order dated 12.09.2017 passed in W.P.(C) 930/2017 titled as *Bhikki Ram v.*



New Delhi Municipal Council and the order dated 17.02.2020 passed in W.P.(C) 1781/2020 titled as *Bhikki Ram v. New Delhi Municipal Council Through its Chairman & Anr.*

7. The writ petition [W.P.(C) 930/2017] was rejected, *inter alia*, on the ground that name of the petitioner did not find mentioned in the list of 628 persons prepared by the NDMC. The Court had also accepted the NDMC's contention in the batch of petitions that the petitioners were obstructing the public movement. However, leave was granted to the petitioners that as and when Town Vending Committee (hereafter *the TVC*) becomes functional, they may approach the TVC with all supporting documents, which would be considered in accordance with law.

8. The writ petition [W.P.(C) 1781/2020] preferred by the petitioners' father was also dismissed.

9. Apparently, the petitioners' father had also preferred a special leave petition before the Supreme Court against the order dated 12.09.2017 passed in W.P.(C) 930/2017. However, the said order has not been placed on record. However, the order dated 17.02.2020 passed by this Court dismissing W.P.(C) 1781/2020 records the said fact. In W.P.(C) 1781/2020, it was the petitioners' case that they had not placed certain facts before the Supreme Court. However, this Court did not entertain the said petition.

10. It is seen that no specific right had fructified in favour of the petitioners' father during his lifetime. Admittedly, no *tehbazari* license was issued to the petitioners' father and therefore, the question of substituting the petitioners' names in the record of the NDMC does not arise.

11. In view of the above, the present petition is dismissed. However, we clarify that this order will not preclude the petitioners from participating in



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the proceedings as and when conducted by the NDMC/TVC in terms of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 05, 2024/r