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

+ **W.P.(C) 8111/2024 & CM APPL. 25167/2025**

**DHARMENDAR KUMAR @ DHARMENDRA
GUPTA**

.....Petitioner

Through: Mr. Aditya & Mr. Vipin Kumar, Advs.
(M:8699723746)

versus

**MUNICIPAL CORPORATION OF DELHI AND
ORS.**

....Respondents

Through: Ms. Radhika Bishwajit Dubey, ASC,
with Ms. Gurleen Kaur Waraich and
Mr. Kritarth Upadhyay, Advs. for
MCD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **29.04.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 25167/2025 (for direction) in W.P.(C)-8111/2024

2. The present application has been filed on behalf of the Applicant/Petitioner– Mr. Dharmendar Kumar under Section 151, CPC, 1908, seeking directions to the Respondent– Municipal Corporation of Delhi to remove the unauthorized encroachment from the *Tehbazari* Site i.e., Site No. 26, Near 429 Bus Stop, DDA Flats, Kalkaji.

3. The issue raised in the present application has already been addressed in the order dated 20th September, 2024 passed by this Court. Relevant portion of the said order is extracted herein below:

“10. It is clear from the above that the MCD has not removed the petitioner from the vending site. The learned counsel for the MCD also confirms that the petitioner can carry on his vending activities at the said



site allotted to him, albeit, in accordance with law.

11. In view of the above, the petitioner's grievance regarding the possession of the tehbazari site is concerned, it stands addressed. The MCD has neither cancelled the allotment of the tehbazari site nor removed the petitioner from the said site. The petition is, accordingly, allowed to carry on his vending activities, albeit, in accordance with law.

12. In so far as the petitioner's grievance that certain unauthorised person from the locality interfering with the petitioner's vending activity is concerned, this Court does not consider it apposite to pass any such order. There are no allegations that any person from the locality has dispossessed the petitioner from the said site. The petition is also bereft of the particulars in this regard. It does not provide names or particulars of any such person who are allegedly dispossessing the petitioner. They are also not parties to this petition. Needless to state that in the event of any unauthorised action by any other person, the petitioner would be entitled to avail his remedies in accordance with law."

4. In light of the above stated order passed by this Court, the present application does not warrant any consideration. The Applicant is permitted to avail of his remedies in accordance with law by filing a separate petition.

5. Application is disposed of in the said terms.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

APRIL 29, 2025

dj/ss