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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13603/2022, CM APPL. 41460/2022, 38251/2024
RAKESH KUMAR GUPTAPetitioner
Through: Mr. N.K. Sahoo, Advocate.

versus

NEW-DELHI MUNICIPAL COUNCIL AND ANR.Respondents
Through: Mr. Jitendra Kumar Tripathi,
Additional Standing Counsel for
NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

23.09.2024

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1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(a) To admit the Writ Petition against respondents;

(b) To issue a writ of mandamus or any appropriate writ or direction or order directing the respondents to permit the petitioner to carry on trade from his place of squatting opposite **MEDEM TUSSARS Museum ,Regal, Connaught Place New-Delhi -1 till survey carried out by TVC and Site being granted;**

c) To direct the respondent No-1 to include petitioner's name in 628 List according to order dated 08.10.2012 passed in W.P No 5925/2012.”

2. The areas of Rajiv Chowk and Indira Chowk are declared as a ‘No-Vending/No-Hawking’ Zones and therefore, the petitioner cannot be permitted to carry on vending activities in that area. This issue is covered by the decision of this Court in ***Vyapari Kalyan Mandal Main Pushpa & Anr. v. South Delhi Municipal Corporation & Ors.: 2017 SCC OnLine Del 8962*** and ***Veer Singh v. Chairman NDMC & Ors. :2024 SCC OnLine Del 683***.



3. The learned counsel appearing for the petitioner also submits that the name of the petitioner be included in the list of 628 persons who were found eligible for allotment of *tehbazari* sites in the year 2012.
4. The petitioner had filed a writ petition bearing number W.P.(C) 5925/2012 captioned as *Rakesh Kumar Gupta v. NDMC*, seeking a similar relief which was disposed of by an order dated 08.10.2012. By the said order, respondent no.1/New Delhi Municipal Council (NDMC) was directed to consider the said writ petition as a representation and pass a speaking order.
5. It is the petitioner's case that no such order has been passed as yet.
6. We are unable to accept that the present petition for the aforesaid relief can be entertained at this stage. In the event the orders passed by this Court were not complied with, it was necessary that the petitioner avail appropriate remedies at the material time. The present petition filed after about twelve years seeking a similar relief is highly delayed.
7. More importantly, the list of 628 eligible street vendors was prepared for the purposes of allocating 386 *tehbazari* spaces that were available at the material time. The NDMC had conducted a draw of lots for allotment of the said spaces. However, the said process was stayed by the Court and has since been abandoned. Thus, there is no ground for expanding the said list.
8. In view of the above, the present petition is disposed of.
9. At this stage, the learned counsel appearing for the petitioner submits that the petitioner may be permitted to vend in any other area. The petitioner is at liberty to make an appropriate representation to the NDMC in this regard. Needless to state that if such representation is made, the same would be



considered in accordance with law.

10. All pending applications are also disposed of.

VIBHU BAKHRU, J

SACHIN DATTA, J

SEPTEMBER 23, 2024

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