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

\+ W.P.(C) 15175/2023 & CM APPL. 60674/2023(interim relief)

SONU .....Petitioner

Through: Mr. Ramesh Kumar Mishra & Mr. Shivam Tiwary, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Ms. Shilpa Ohri, ASC for MCD.
Mr. Abhinav Singh and Mr. Praveen Kumar Kaushik, Advs for Delhi Police.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% 30.09.2024

1. This writ petition has been preferred seeking the following reliefs:-

> "i. Issue writ of mandamus or any other appropriate writ, order or direction restraining the Respondents from evicting or interfering with the vending activity from the vending site No. 327, measuring 6" X 4", located at Sewa Nagar Bazar, Agri Prem Nagar Nallah, In front of Canara Bank INA Colony, New Delhi of the Petitioner without following the due procedure of law;
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> ii. Pass such other order(s) this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the present case."

2. We had in our earlier order dated 23 November 2023 taken note of the petitioner having been issued a mutation of the Tehbazari Site situate at No. 327, Sewa Nagar Bazar, Agri Prem Nagar Nallah, INA, New Delhi on account of the relocation of the previous site as a result

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of the Commonwealth Games of 2010. The petitioner was also stated to have paid the requisite fees for mutation and to have been making payments of annual tehbazari fees of INR 3,858.46/- per year. The order dated 23 November 2023 reads as follows:-

> "**1.** The learned counsel for petitioner submits the petitioner has been issued the mutation of tehbazari site No.*327*, Sewa Nagar Bazar, Agri Prem Nagar Nallah, INA, New Delhi as the earlier site was relocated because of Commonwealth Games -2010. The petitioner has made the payment of requisite fee for mutation and is also timely paying annual tehbazari fees of Rs.3858.46 per year.
>
> **2.** The learned counsel for respondents appearing on advance notice seeks to obtain instructions. Let the needful be done by the respondents and response, if any, be filed within four weeks from today with an advance copy thereof to the learned counsel for petitioner.
>
> **3.** List again on 08.02.2024 and considering the submissions, the petitioner is allowed to vend at the subject site subject to fulfilling the terms and conditions of the tehbazari licence issued to him. Replies be filed within four weeks."

3. The Municipal Corporation of Delhi [**'MCD'**] has filed a Status Report for our consideration on 03 September 2024. We have taken note of the same and particularly the disclosures made in paragraph 11 which reads as follows:-

> "**11.** That moreover, further considering the fact that the initial original site as allotted to the petitioner i.e. site No. 327 (measuring 6X4) Sewa Nagar Bazar, Agri Prem Nagar, Nallah, INA, New Delhi is presently not available so as an interim it has been decided to offer 02 alternate sites i.e. at (i) Near 6x4 tehbazari of Gainda Ram Scheme at Chandu Lal Balmiki Marg, INA and (ii) 4th & 5th Avenue Road, Lodhi Road to the petitioner herein from where he can carry out his activities. However, this interim arrangement shall be subject to any further plans / schemes that may be framed as and when the recommendation are made by the TVC and handing over of possession of new alternate site would not create any right in favour of the petitioner."

4. Learned counsel appearing for the writ petitioner states that the petitioner is ready and willing to opt for the second site which is claimed to be offered in the alternative.

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5. In view of the aforesaid, Ms. Ohri, learned counsel appearing for the MCD states that subject to the petitioner moving an application in that respect, the same shall be duly examined and disposed of, bearing in mind the stand which has been taken by the MCD and which stands reflected in paragraph 11 of the Status Report extracted hereinabove. The statement so made is recorded and accepted.

6. The writ petition shall stand disposed of.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

SEPTEMBER 30, 2024/*SK*

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