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

+ **W.P.(C) 3363/2025 & CM APPL. 15874/2025**

ANIL KUMAR GUPTA

.....Petitioner

Through: Mr. Kshitiz Mahipal Advocate & Ms.
Khairun Nisa, Advocate
M: 9999994372

versus

**MUNICIPAL CORPORATION OF DELHI AND
ANR.**

.....Respondents

Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for MCD
Mob: 9811135509
Mr. Moksh Arora, Advocate for R-2
Mob: 9999061836

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
19.03.2025

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CM APPL. 15874/2025 (for Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 3363/2025

3. The present writ petition has been filed praying for directions to the respondent no. 1, i.e., Municipal Corporation of Delhi ("MCD"), to rehabilitate the petitioner and for restoration of the electricity connection of the petitioner.
4. Further, there is prayer for payment of compensation for demolition of the stall of the petitioner, i.e., *Stall no. 1, Ground Floor, Wall of U.P.*



Roadways Bus Stand, Gate No.2, New Delhi, which was demolished by respondent no. 1.

5. Responding to the submissions made in the present petition, learned counsel appearing for respondent no. 1-MCD on advance notice, draws the attention of this Court to the allotment letter dated 17th January, 2008, in favour of the petitioner, which reads as under:

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MUNICIPAL CORPORATION OF DELHI
OFFICE OF ASSISTANT COMMISSIONER, CITY ZONE
MULTI CAR PARKING BUILDING
ASAF ALI ROAD, NEW DELHI-110002

NO. D/2433/1AC/CITY/2007 DATE 17/1/08

To
The Station House Officer
P.S. Kirti Mkt.
New Delhi

Subject:- Allotment of hawking site near the wall of U.P. Roadways, Gate No.2, New Delhi Railway Station and surrounding area of Ajmeri Gate

Sir,

The Dy. Commissioner, City Zone vide his orders dated 14-01-2008 has been pleased to allow following hawking licence holders to hawk near the wall of U.P. Roadways, Gate No.2, New Delhi Rly. Station and surrounding area of Ajmeri Gate on temporary basis till the finalization of vending policy as the present hawking site i.e. Tagore Road is a one way due to construction work of DM Co./Newly DTC Bus Stand Metro Project. The terms and conditions of hawking licence is enclosed herewith for necessary action.

1. Sh. Anil Kumar S/o Sh. Bajrangji
2. Sh. Kakesh Gupta s/o Sh. Budha Lal
3. Sh. Kaseh Mehto s/o Tokal Mehto
4. Sh. Ram Raj s/o Babu Ram
5. Sh. Bharat Lal s/o Munni Lal
6. Sh. Kapoor Chand s/o Sita Ram
7. Sh. Sita Ram s/o Pancham
8. Sh. Bindeshwari s/o Ram Avud
9. Sh. Shahbuddin s/o Mohd. Muneer
10. Sh. Pori Ram s/o Radha Kishan
11. Mohd. Kabir s/o Mohd. Israil

Asstt. Commissioner
City Zone

Copy to:-

1. Sh. Ram Charan, Hon'ble Member of Parliament, 14, Janpath, New Delhi for information please.
2. Chairman, Wards Committee, City Zone for information please
3. All the above hawkers

6. By referring to the aforesaid allotment letter, learned counsel appearing for MCD submits that the petitioner had only been allotted a hawking site near the wall of *U.P. Roadways, Gate No. 2, New Delhi Railway Station*.



7. He submits that the petitioner had unauthorizedly built up a temporary structure therein, which he was not authorized to do. Thus, he submits that the said temporary structure built up by the petitioner on his hawking site, constituted an encroachment, which has been duly removed by the MCD during the course of encroachment removal action in the area. He has handed over the photographs of the structure of the petitioner, which he had unauthorisedly built over his hawking site. The same is reproduced as under:



8. He, thus, submits that action for removal of the said encroachment has been taken by the MCD on 8th March, 2025, with due assistance from the police.

9. The documents handed over by learned counsel appearing for respondent no. 1, are taken on record.

10. After hearing learned counsel appearing for respondent no. 1, it is manifest that the petitioner has been only allotted a hawking site at *Stall no. 1, ground floor, Wall of U.P. Roadways Bus Stand, Gate No.2, New Delhi*, where the petitioner, is permitted only to hawk. Therefore, no structure, temporary or permanent, could have been built by the petitioner at the said hawking site.



11. At this stage, learned counsel appearing for the petitioner submits that the since the petitioner is an authorized licensee, he may be allowed to hawk from the site in question. He submits that the petitioner shall not construct any temporary or permanent structure, at the site and that he shall continue with his business accordingly.

12. If that be the case, it is directed that the petitioner shall be allowed to carry out his hawking activity from the site in question, that has been allotted to him.

13. However, it is clarified that the petitioner shall not construct any temporary or permanent structure, therein.

14. Subject to the petitioner following the terms and conditions of the allotment of the hawking site, the petitioner, is allowed to continue to hawk from the site in question.

15. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MARCH 19, 2025

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