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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10253/2024 & CM APPL. 42050/2024**

SMT PARAMJEET

.....Petitioner

Through: Mr. Madan Mohan Kashyap,
Mr. Yash Vardhan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Ms. Tajinder Virdi, SC and
Mr.Samarth Tyagi, Advocate for R1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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03.02.2025

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

- a. To allow the petitioner to carry on trade at her present squatting site Gali No.19, Roshan Kulfi Corner Main Ajmal Khan Road, Karol Bagh, Delhi.
- b. To give possession to the Petitioner of his allotted site no. 2/30 adjoining the wall of DTC Colony, way goes to Khera Hospital with immediate effect.”

2. The petitioner claims that she acquired an open *tehbazari* site being Site No.2/30, adjoining the Wall of DTC Colony, from one Ram Singh.

3. It is stated that Ram Singh was carrying on vending activities from a site described as ‘Gali No.19, Roshan Kulfi Corner, Ajmal Khan Road, Karol Bagh, Delhi’ (hereafter *the Ajmal Khan Road Site*). He had moved the Supreme Court along with certain other street vendors by filing a petition under Article 32 of the Constitution of India being W.P. No.134/1987. In the said petition, an interim order was passed restraining the respondents from preventing the petitioners including Ram Singh, from carrying on



hawking activities at the pavement of Ajmal Khan Road, New Delhi.

4. Subsequently, by an allotment letter dated 05.09.2001, Ram Singh was allotted the *tehbazari* site described as “Adjoining the wall of DTC Colony, way goes to Khera Hospital bearing No.2/30-Category-III”. The petitioner claims that she had bought the said site from Ram Singh and by a letter dated 30.06.2010, the allotment of the said site in favour of Ram Singh was mutated in her favour.

5. The petitioner’s grievance is that the possession of the said site bearing No.2/30, Adjoining the wall of DTC Colony, has not been provided to her.

6. The petitioner’s first prayer to the effect that the respondents be restrained from preventing her from carrying on vending activities from Ajmal Khan Road, cannot be acceded to. The petitioner has not been allotted any site at Ajmal Khan Road and there are no grounds for her to claim any rights in respect of any site at Ajmal Khan Road. The street vendors at Ajmal Khan Road were removed and some of them were allotted alternative sites for the reason that the vending on the said streets is causing inconvenience to various users and on account of the proposal to develop the area as a pedestrian zone.

7. In so far as the petitioner’s second prayer is concerned, the learned counsel for the respondents submits that there is no impediment in granting the allotted site to the petitioner and she can continue her vending activities from the said site. However, the learned counsel for the petitioner submits that there is no space for carrying on any vending activities near the Wall of DTC Colony as the area is occupied by various other street vendors. The same is disputed by the learned counsel for the MCD.



8. In view of the above, the learned counsel for the respondents, on the instructions of the Municipal Corporation of Delhi (MCD), submits that Mr.Sandeep Sharma, Licensing Officer, would be present at the spot on 10.02.2025 at 10.30AM and he would ensure that the site of requisite dimensions is made available to the petitioner for carrying on vending activities.

9. In view of the above, we consider it apposite to dispose of the petition by directing Mr.Sandeep Sharma, Licensing Officer, to be present at the spot on 10.02.2025 at 10.30AM. He would ensure that the space of requisite dimensions is made available to the petitioner at the given site.

10. The petition is disposed of in the aforesaid terms. Pending application is also disposed of.

VIBHU BAKHRU, J

GIRISH KATHPALIA, J

FEBRUARY 03, 2025

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Click here to check corrigendum, if any