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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16056/2023 CM APPL. 64618/2023 CM APPL. 44026/2024
SH NARAYAN KUMAR

.....Petitioner

Through: Mr M M Kashyap, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Ms Shilpa Ohri, ASC for MCD with
Mr.Avinash Kumar Chaudhary,
Admn Officer in person.

Ms Shagun Shahi Chugh, Ms Shreya
Mittal and Ms Nandita Mishra,
Advocates for Delhi Police.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

28.02.2025

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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 Mehra Di Hatti Jewellers, Gali No.20, Biddanpura (*sic*) Corner, Karol Bagh, New Delhi-110005 till the possession of allotted site at 26/30 wall of Police Station Karol Bagh Delhi given to the petitioner.

b. To the petitioner should be given possession of his allotted site at 26/30 wall of Police Station Karol Bagh Delhi with immigrate (*sic*) effect.”

2. The petitioner claims to have been carrying on his vending activities from the site described as Mehra Di Hatti Jewellers, Gali No.20, Beadon Corner, Karol Bagh, New Delhi.



3. The petitioner was allotted site described as 6' x 4' open *tehbazari* number 26/30 Category 1 near Wall of Karol Bagh Police Station by an allotment letter dated 05.09.2001.
4. The petitioner's grievance is that the possession of the said site bearing No.26/30, Adjoining the wall of Karol Bagh Police Station, has not been provided to him.
5. The petitioner's first prayer to the effect that the respondents be restrained from preventing him from carrying on vending activities from his current site at 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 him to claim any rights in respect of any site at Ajmal Khan Road. The street vendors at Ajmal Khan Road were removed in view of the proposal for pedestrianisation of the area in Karol Bagh. Some of them were allotted alternative sites.
6. Ms Priya, learned counsel appearing for Municipal Corporation of Delhi (MCD) submits that the possession of the allotted site (Site No.27/30 Category-I, near Wall of Karol Bagh Police Station), which was allotted to the petitioner in terms of the letter dated 05.09.2001 could not be handed over to her as it was found that there are only twenty-five number of *tehbazari* spaces that could be accommodated. Thus, the only sites bearing no.1/30 to 25/30 exist at the given place and it is not feasible to accommodate other street vendors. She submits that MCD has misjudged the number of spaces that were available at the given site. She also drew attention of this Court to a Circular dated 18.11.2021, whereby the petitioner has been offered an alternate site at the "wall of Ajmal Khan Park at Ajmal Khan Road". She also points out that by a Circular dated 06.06.2021, MCD



had proposed an alternative site being “Gali No.25, Beadon Pura, Back Side PS Karol Bagh” but the same was not acceptable to the petitioner.

7. Mr Kashyap submits that the site offered to the petitioner being “wall of Ajmal Khan Park at Ajmal Khan Road” is not feasible as there is no space available at the said site. However, this is stoutly disputed by Ms Priya. She states, on instructions, that space at the wall of Ajmal Khan Park is available and the petitioner can carry on the vending activities from the said site. She also states that Mr. Avinash Kumar Chaudhary, Administrative Officer, would be present at the spot (wall of Ajmal Khan Park at Ajmal Khan Road) on 05.03.2025 at 10.30AM and he would ensure that the site of requisite dimensions is made available to the petitioner for carrying on vending activities.

8. In view of the above, we consider it apposite to dispose of the petition by directing Mr. Avinash Kumar Chaudhary, Administrative Officer, to be present at the spot on 05.03.2025 at 10.30AM. The petitioner is directed to be present as well. Mr. Chaudhary would ensure that the space of requisite dimensions is made available to the petitioner at the given site.

9. The petition is disposed of in the aforesaid terms. Pending application, if any, is also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

FEBRUARY 28, 2025

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Click here to check corrigendum, if any