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

+ **W.P.(C) 16070/2023 & CM APPL 64669/2023 (stay)**

MR. AJAY KHANNA

.....Petitioner

Through: Mr. Madan Mohan Kashyap &
Ms. Poonam Seth, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Ms. Tajinder Viridi, Standing Counsel
for R-MCD (thru VC)

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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13.11.2025

CM APPL. 70909/2025 (for early hearing)

1. Heard.
2. The petition is being heard.
3. Application stands disposed of.

W.P.(C) 16070/2023

1. This petition has been filed seeking following prayers:

“a. To allow the petitioner to carry on trade at her present squatting site CORNER GALI NO.1, GAFFAR MARKET, KAROL BAGH, NEW DELHI- 110015 till the possession of allotted site at 10/15 Opposite Bhasin Crockery, Ajmal Khan Road, Karol Bagh Delhi given to the petitioner.

b. To the petitioner should be given possession of his



*allotted site at 10/15 wall of Police Station Karol Bagh
Delhi with immigrate effect.”*

2. Counsel for petitioner, in order to justify the prayer in the petition, as extracted above, has sought to rely upon an allotment letter dated 05th September 2001, issued by respondent/ Municipal Corporation of Delhi (**'MCD'**), wherein an area admeasuring 6x4 was earmarked on “*Ajmal Khan Road, opposite Bhasin Crockery*”, to be the *tehbazari* site for petitioner.

3. According to counsel for petitioner, the amount mentioned in the said allotment letter was duly paid; however, till date, petitioner has not been permitted to continue his *tehbazari* activity on said site.

4. Counsel for petitioner invited our attention to an order dated 05th May 2000, delivered by the Supreme Court in ***I.A No.332-333 in W.P. (C) 1899/1987*** titled as “***Ramesh Kumar v. MCD & Ors.***”, so as to claim that the petitioner was allotted the site in question, pursuant to the report of the *Chopra Committee*, and that there are directions that those who have been allotted sites in compliance with the *Chopra Committee* cannot be reviewed.

5. In addition to above, he has invited our attention to order passed by the Supreme Court on 05th May 2006, ***I.A No. 394 in W.P. (C) 1699/1987*** titled as “***Sudhir Madan & Ors. v. MCD & Ors***” to substantiate his claim that the petitioner has every right to continue at the very same place.

6. As against the above, counsel appearing for MCD has invited our attention to the order of the Division Bench of this Court delivered on 16th September 2021 in ***W.P. (C) 9804/2021*** titled as “***Shri Sanjeev Kapur vs. North Delhi Municipal Corporation & Ors.***”. According to the counsel, the Division Bench of this Court based on directions issued by the Apex Court in the matter of ***Sudhir Madan*** (*supra*), had directed the Executive Engineer of



North Delhi Municipal Corporation (**NDMC**), as also the *Station House Officer (SHO), Police Station Karol Bagh*, to ensure that ‘no-hawking/no-vending or no encroachment takes place in no-hawking, no-vending zones at *Ajmal Khan Road and in particular around Karol Bagh Metro Station.*’

7. It is also pointed out that directions were also issued to respondent/MCD with regard to installation of permanent display boards within two days at relevant permanent places, declaring the same to be no-hawking/no-vending areas.

8. Additionally, counsel for MCD has invited our attention to an order passed by the Division Bench of this Court passed on 22nd May 2023, in ***W.P. (C) 6887/2023*** titled as “***Hawkers Welfare Committee and Ors. v. Municipal Corporation Delhi & Ors.***”, wherein an identical request by a similarly placed person was turned down, and in such eventuality, petitioner cannot be granted the relief claimed.

9. According to respondent’s counsel, though petitioner was initially granted allotment vide order dated 5th September 2001, permitting him *tehbazari* activity on ‘*Ajmal Khan Road*’, due to change in circumstances, as reflected in Circular dated 06th June 2021, he was shifted to ‘*Gali No.25, Beadonpura at backside of Police station Karol Bagh, Delhi.*’

10. It is further claimed that even the said site was required to be vacated in compliance with order dated 16th September 2021, referred above, and as such, *vide* Circular dated 18th November 2021, the petitioner has now been allotted another site, and it is still open for petitioner to take possession of the said site to continue his vending activities.

11. Our attention has also been invited to inclusion of petitioner at ***Serial. No.27*** in the shifting order of *tehbazari* from ‘*Ajmal Khan Road*’ to ‘*Gali*



No.25, Beadonpura Karol Bagh’, and thereafter to the ‘*Wall of Ajmal Khan Park at Ajmal Khan Road*’ vide Circular dated 18th November 2021.

12. As such, it is claimed that writ petition is liable to be dismissed.

13. We have considered the submissions.

14. The factual matrix narrated hereinabove depicts that though initially the petitioner was allotted *tehbazari* rights by virtue of allotment letter dated 5th September 2001, same was never acted upon.

15. It appears that subsequent changes in circumstances viz., the site which was permitted to be used by the petitioner for vending activities, was put to public use and, as such, another order was passed by the competent authority thereby allotting a new site in favour of petitioner, as referred above i.e. vide circular dated 6th June 2021. The said order also underwent modification in view of order passed by the Division Bench of this Court, referred to *supra*, and now petitioner has been allotted and permitted to carry out vending activities at ‘*Wall of Ajmal Khan Park at Ajmal Khan Road*’, as can be inferred from circular dated 18th November 2021.

16. Counsel for respondent, on instructions, states that even today, the said option is open for petitioner, and in case he approaches MCD, the site will be marked and *tehbazari* activity can be permitted to petitioner.

17. We are convinced that contentions have been sufficiently established by counsel for MCD, that not only the vending rights of petitioner are kept intact, but there are sufficient justifiable reasons, that too in public interest, of shifting the site which was initially offered to petitioner under circular dated 5th September 2001 to that one near ‘*Wall of Ajmal Khan Park at Ajmal Khan Road*’ which was offered vide circular dated 18th November 2021.

18. In that view of the matter, in our opinion, no case is made out for



interference by issuing directions to the respondent to permit petitioner to carry out vending activity in accordance with order dated 5th September 2001, as permitting such activity shall be contrary to two subsequent orders passed by this Court, referred in foregoing paragraphs.

19. That being so, petition stands dismissed.

20. However, we make it clear that it shall be open for petitioner to approach respondent/MCD seeking benefit pursuant to circular dated 18th November 2021.

21. Pending applications are rendered infructuous.

22. Date already fixed i.e. 30th January 2026, stands cancelled.

23. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

NOVEMBER 13, 2025/sm/tk