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

+ CONT.CAS(C) 1684/2024 CM APPL. 64527/2024

CM APPL. 40838/2025

GOVIND PRASAD GUPTAPetitioner

Through: Mr. Satish Kumar Tripathi, Adv.
along with petitioner in person.

versus

SHUBHANKAR GHOSH & ORS.Respondent

Through: Mr. Sriharsha Peechara, Standing
Counsel for NDMC, Mr. Akshat
Kulshrestha, Mr Akhilesh Loya,
Advs.

(103)

+ W.P.(C) 7169/2025 CM APPL. 32323/2025 CM APPL. 32324/2025
CM APPL. 40896/2025

SAROJINI NAGAR MARKET REHARI PATRI HOWKERS

VIKAS SAMITIPetitioner

Through: Mr. Lakshay Sawhney, Mr. Bharat
Agarwal, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL & ORS.Respondent

Through: Mr. Sriharsha Peechara, Standing
Counsel for NDMC, Mr. Akshat
Kulshrestha, Mr Akhilesh Loya,
Advs.
Mr. Ashish Mohan, Sr. Adv. along
with Mr. Hemant Manjani, Mr. Uday
Mathur, Ms. Sagrika Tanwar, Mr.
Binish Kumar, Advs. for impleader.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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14.07.2025

W.P.(C) 7169/2025

1. By order dated 23rd May 2025, this matter has been placed along with



CONT.CAS (C)1684/2024.

2. *CONT.CAS (C)1684/2024* was to be placed before the concerned Roster Bench *vide* order dated 9th May 2025, and therefore, has been listed today.

3. In this regard, the following may be noted:

- I. The substantive plea is effectively what has been prayed for, in *W.P.(C) 7169/2025*, which has been filed on behalf of the *Sarojini Nagar Market Rehari Patri Hawkers Vikas Samiti*, pleading that, NDMC be directed to remove all illegal encroachments and constructions made by shopkeepers/allottees at *Sarojini Nagar Market*, including but not limited to, *verandah* area and the passage area, beyond the *verandah*, in the courtyard.
- II. The grievance of the *Hawkers Association* seems to be that, lay out plan has been infringed by shop owners by covering their *verandah* area. As regards this writ petition is concerned, this Bench is dealing with matters relating to civil contempt and *Writs* arising out of labour disputes, thus, this may not be the Roster Bench for this matter; the matter be placed before the Roster Bench hearing the matters related to NDMC, subject to orders of Hon'ble the Chief Justice.

CONT.CAS(C) 1684/2024

1. As regards the contempt petition, it was originally filed by the street vendor who has been carrying on business and squatting opposite *Shop No.165, Sarojini Nagar Market, New Delhi*. The prayer sought in the contempt petition was relating to alleged non-compliance of



directions contained in order dated 28th May 2024, in *W.P.(C) 7915/2024*, where directions had been passed that, petitioner/*Govind Prasad Gupta* be not interdicted from carrying on his vending activities, subject to the same being in accordance with law.

2. The Division Bench noted in order dated 9th May 2025, that petitioner's grievance appears to have been addressed. However, the issue flagged by the Court, in order dated 21st February 2025, in relation to unauthorized construction was to be considered. In that context, concerned paragraphs of order dated 21st February 2025, read as under:

1. Mr. Sriharsha Peechara, the learned counsel appearing for respondent no.2, New Delhi Municipal Council (NDMC) has handed over a copy of the comments provided by the Enforcement Building Regulations Department and Architect Department of NDMC.
2. It is stated that in terms of the decision taken in the year 1973 by the Directorate of Estate, Government of India, the shopkeepers of the Sarojini market were permitted to cover the *veranda* in front of their shops. The comments provided by the Chief Architect, NDMC indicates that while *veranda* was part of the lease deed of the shops allotted to the respective shop owners by Land & Development Office (L&DO), the usage of 13 feet 1.5-inch x 8 feet 4.5 inch is required to be kept as *veranda*. And, the



unauthorized merging of the area into commercial shop would constitute misuse. It is contended that no action has been taken against the shopkeepers for such misuse on account of the decision taken in the meeting held on 26.05.2008, whereby NDMC was directed to prepare a standard plan in accordance with Master Plan Delhi-2021 and it was further directed to NDMC not to take any punitive action for demolition/sealing of the existing structure in the market till a plan is prepared.

3. Mr. Peechara states that he has no instructions as to what happened after the year 2008.

4. We are, *prima facie*, of the view that permitting the existing *veranda* to be merged with the shops would add congestion in the market as has been pointed out repeatedly by the counsel for NDMC.

5. Mr. Peechara seeks further time to obtain instructions in regard to further action that is proposed to be taken.

6. Let a status report be also filed before the next date of hearing.

3. Though this contempt doesn't survive but issue raised by the Court in order dated 21st February 2025, has now been substantively raised by the *Sarojini Nagar Market Rehari Patri Hawkers Vikas Samiti*, in ***W.P.(C) 7169/2025*** which has been directed to be listed before the Roster Bench on 28th July 2025, subject to orders of Hon'ble the Chief Justice, per the order noted above.

3. Considering that directions have already been passed for *Mr. Sriharsha Peechara*, Standing Counsel for NDMC to take instructions and file a status report, the same may be filed in ***W.P.(C) 7169/2025***, in context of directions given in order dated 21st February 2025, in order that the matter can proceed ahead.

4. Contempt petition is disposed of with the aforesaid directions.

5. Needless to state that all rights and contentions of the various parties shall remain open.



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

ANISH DAYAL, J

JULY 14, 2025/ak/aa/kp