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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 15395/2025

SH. ASHWANI KUMAR TALWAR

.....Petitioner

Through: Ms. Monika Dhankar, Adv.

versus

PUBLIC WORKS DEPARTMENT & ORS.

.....Respondent

Through: Mr. Dheeraj Kumar, Mr. Tarun
Diwan, Ms. Pyari, Advs. for R1
Ms. Vaishali Gupta (PC) for R1
Ms. Meherunnisa A. Jaitley, Adv. for
R2/MCD
Mr. Manish Srivastava, Mr. Moksh
Arora, Mr. Santosh Ramdurg, Advs.
along with Mr. Amit Singh (AGM-
Legal)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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14.10.2025

CM APPL. 63071/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed by the petitioner seeking the following prayers:-

“a) Issue a writ in the nature of Mandamus, or any other appropriate writ, order, or direction, directing the Respondents to forthwith permit the Petitioner to continue operating his lawful chef- cart business under the name and style of “M/s Raj Chinese Food” at the fixed and approved location opposite RBI Colony, U&V Block, Shalimar Bagh, Delhi;
b) Issue a writ in the nature of Mandamus, or any other appropriate writ, order, or direction, directing Respondent No. 3 to immediately restore the electricity connection bearing CA No. 60011501974, which was illegally



and arbitrarily disconnected on 15.09.2025 without due process of law, despite no outstanding arrears or legal justification;

c) Direct the Respondents, jointly and severally, to compensate the Petitioner for the illegal demolition and loss of movable and immovable property, including the loss of livelihood, caused by the high-handed and arbitrary actions of the officials of Respondent Nos. 1, 2 and 3;

d) Pass an order directing initiation of appropriate departmental and/or criminal action against the erring officials of Respondent Nos. 1, 2 and 3 responsible for the illegal demolition and unauthorized disconnection of electricity supply in violation of the petitioner's fundamental and statutory rights;

e) . Pass any other or further order(s), writ(s), or direction(s) as this Hon'ble Court may deem just and proper in the facts and circumstances of the present case in favour of the petitioner and against respondents, in the interest of justice"

4. It is submitted that the petitioner was previously operating his chef-cart business under the name of "M/s Raj Chinese Food", situated opposite RBI Colony, U&V Block, Shalimar Bagh, Delhi.

5. It is submitted that on 15.09.2025, demolition action was taken pursuant to which the food cart of the petitioner was dismantled. It is further submitted that the action taken by the MCD/respondent no.2 was wholly arbitrary and not in accordance with law.

6. Ms. Meherunnisa Jaitley, learned counsel appearing for the MCD, who appears on advance notice, has drawn attention to the site map enclosed along with the petition and also to certain photographs prior to the action taken by the MCD/respondent no.2. It has been brought out that action was taken qua the petitioner's cart, since the same was encroaching upon the public road and creating significant public nuisance.

7. Photographs have been shown during the course of hearing to substantiate the point that despite the action taken, the petitioner continues to operate its stationary food cart virtually on the public road itself.

8. *Prima facie*, there is merit in the contention raised by learned counsel



for the MCD that the petitioner cannot be continued to operate its chef-cart on the public road; as such, there can be no question of this Court permitting the petitioner to continue to operate the same.

9. After some hearing, learned counsel for the petitioner confines herself to seeking that the respondents be directed to consider permitting the petitioner to operate its food cart at any other alternative location.

10. Learned counsel for the MCD/respondent no.2 submits that the said request shall be duly considered and a reasoned order shall be passed thereon, after affording an opportunity of hearing to the petitioner.

11. No further directions are warranted in the present petition.

12. The present petition is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 14, 2025/uk