



2025:DHC:9792



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

% ***Reserved on 16th September, 2025***

Pronounced on: 10th November, 2025

+ **W.P.(CRL) 795/2018**

**DELHI DEVELOPMENT AUTHORITY
THROUGH SH. KARAMVIR SINGH NARWAL
CENTRAL NURSERY, SECTOR-5,
DWARKA, NEW DELHI.**

.....Petitioner

Through: Mr. Anish Dhingra, Advocate.

versus

**1. RAGHAV PASWAN
S/O SH. KHYALI PASWAN,
R-29, GALI NO. 80,
MAHAVIR ENCLAVE-3, NEW DELHI**

**2. NATIONAL COMMISSION FOR
SCHEDULED CASTES
5th FLOOR LOKNAYAK BHAWAN
KHAN MARKET, NEW DELHI.**

.....Respondents

Through: Mr. T. P. Singh, Sr. Central Govt.
Counsel for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Articles 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of the Petitioner DDA against the Respondents for setting aside Order dated 05.01.2018 passed by Dr. Yogender Paswan, Member, National Commission for Scheduled Caste

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(‘NCSC’) under The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act) in Case No.DELHI/290/2017-APCR titled as *Raghav Paswan vs. Delhi Development Authority*, directing the registration of FIR against the officials of Petitioner DDA and also for restoration of permission to Respondent No.1 Raghav Paswan to squat in Central Market, Sector 6, Dwarka, Delhi.

2. *Briefly stated*, Petitioner has submitted that in the year 2015 it started taking action for eviction of vendors and hawkers from Central Market, Sector-6, Dwarka. A Writ Petition was filed by the Society representing Respondent No.1 and such other vendors seeking right to vending, but the same was dismissed by this Court on 02.10.2015. On 16.02.2017, LPA filed by the Society representing Respondent No.1 was also dismissed. While dismissing the LPA, this Court directed the Petitioner DDA and the MCD to take all possible steps for removal of all vendors and hawkers including Respondent No.1.

3. On 12.05.2017, this Court while dealing with the Contempt Petition, once again directed the Petitioner DDA and MCD to take all possible steps for removal of all vendors and hawkers including Respondent No.1.

4. Thereafter, Respondent No.1 filed a *Writ Petition* claiming his right to do vending activities in Sector-6, Dwarka Market, which was dismissed by this Court on 01.09.2017, upholding the Order of Eviction passed by this Court. On 15.09.2017, directions were again issued to the Petitioner for removal as per law.

5. On 09.10.2017, Notice for hearing was issued by Authorized Officer of the Petitioner and hearing was conducted on 12.10.2017, but Respondent



No.1 failed to join the same. Second Notice dated 03.11.2017 and third Notice dated 08.11.2017 were issued, which also met the same fate.

6. On 07.11.2017, Petitioner issued Complaint Letters to PS Dwarka informing that Respondent No.1 is not letting them discharge their duties and threatening that he will institute a case against them under SC-ST Act for caste abuse. Thereafter, a Notice was received by Petitioner on 15.11.2017 from NCSC along with the Complaint filed by Respondent No.1 under SC-ST Act, against the Officer of the Petitioner DDA on the allegations of caste abuse directed at Respondent No.1.

7. On 16.11.2017, the Competent Authority/DDA cancelled the hawking and vending permission granted to Respondent No.1 and directed him to vacate the area occupied by him. On 22.11.2017, Petitioner requested the DCP Dwarka to provide force for eviction of Respondent No.1 from the area of Dwarka Sector-6 Market.

8. The detailed Reply was filed on 23.11.2017 by Petitioner before the NCSC informing that the Complaint is false and the Petitioner is discharging its duties and obeying directions passed by the Court in Writ, LPA and Contempt proceedings.

9. During the hearing, it was also informed that Respondent No.1 had been threatening to implicate the Officers of Petitioner DDA under SC-ST Act, in order to prevent action being taken against him, in accordance with law. However, NCSC *vide* its Order Dated 05.01.2018 has directed for registration of FIR against the Petitioner and also for restoration of permission to Respondent No.1 Raghav Paswan to squat in Central Market, Sector 6, Dwarka, Delhi.



10. Hence, the Writ Petition has been filed for setting aside Order dated 05.01.2018, *vide* which the directions were issued by the NCSC for registration of FIR against the Petitioner.

11. Counter affidavit has been filed on behalf of Respondent No.1 Raghav Paswan. It is submitted that impugned Order dated 05.01.2018, gives no directions to the SHO to register FIR against the Petitioner. This Petition has been filed without there being any occasion to do so and only on the basis of suppression of facts. The Petition is therefore, liable to be dismissed.

12. It is further submitted that Karamvir Singh Narwal, whose sworn Affidavit has been filed along with the Petition, has misrepresented himself to be Executive Engineer of Ward No. WD-8 of Dwarka. However, true fact is that Mr. Narwal was neither the Executive Engineer of WD-8 at the time of filing of the present petition nor he was having any charge, when the impugned Order was passed. In fact, he was in-charge of WD-8 when the alleged offence under the SC/ST Act took place. After the incidence took place, Mr. Narwal was removed from his additional charge and some other official took over the charge. Hence, Mr. Narwal had no occasion to file the present Writ Petition on behalf of the Petitioner nor he had any authority to file the Affidavit in support thereof.

13. As per regulation of the Delhi Development Authority, only Superintending Engineer and above senior officers are authorized to file any petition before the Court. The Regulations debar any junior official to file any Petition without permission and sanction from the Competent Authority. Mr. Narwal had no such permission or sanction to file the Affidavit or present Writ Petition, which is liable to be dismissed.



14. Respondent No.1 further submits that NCSC has powers to direct the competent Authority to take action as per law. However, the Petitioner has presented their case as if the NCSC had directed registration of FIR against official of Petitioner/DDA or initiated the proceedings. A *prima facie* case was found by the NCSC that there is material to show that offence under SC ST Act has been committed by the Mr. Narwal; hence, the directions had been rightly issued *vide* Order dated 05.01.2018, to Police to register the FIR, which has not been done till date, which further shows that the Order was merely directory and not mandatory.

15. Respondent No.1 states that he is a poor street vendor who earns his livelihood by selling fresh fruits and vegetables in the Market of Sector 6, Dwarka. Since the officials of Petitioner were harassing him, he approached the Ld. Lieutenant Governor of Delhi, who happens to be Chairman of DDA. He made due representation to the Executive Engineer WD-8 for granting permission to sell vegetables and fruits to earn his livelihood, which was granted to him. Since then, he had continued his peaceful vending activity. This fact has been concealed in this Petition.

16. However, things changed when Mr. Narwal had taken additional charge of WD-8. He started to extort money from the shopkeepers and unauthorised street vendors in Dwarka Sector-6 Market. Since Respondent No.1 had permission to continue vending, he declined to be harassed and informed him about the permission, to which no heed was paid.

17. Respondent No.1 filed *W.P.(C) 5822/2017* against forceful eviction by Delhi police. The Delhi police had committed in Delhi High Court that Respondent No.1 was permitted by Executive Engineer, Wd-8, DDA to earn livelihood. However, during the pendency of the said Writ Petition, Mr.



Narwal withdrew the permission granted and the copy of the said decision was never furnished to Respondent No.1. Hence, the said Writ Petition was disposed of *vide* Order dated 01.09.2017 with liberty to Respondent No.1 to seek appropriate remedies.

18. Respondent No.1 filed a fresh *Writ Petition bearing W.P.(C) No.8238/2017* in which the decision of Mr. Narwal was set-aside *vide* Order dated 15.09.2017. Respondent No. 1 again started his vending activities, which was not acceptable to Mr. Narwal and he started harassing Respondent No.1 with all possible means.

19. It is submitted that all the shopkeepers of Central Market, Sector 6, Dwarka have encroached the public land and earning crores of rupees which remained out of sight of Mr. Narwal. However, Respondent No.1, who had due permission to earn his livelihood, was never accepted by him for the reasons best known to him. All the laws and Judgment of Hon'ble Courts were applied by Mr. Narwal against Respondent No.1, but all the shopkeepers were spared with all liberty to use public land and corridor to earn huge amount of money in violation to Building Bye Laws and this Court's Orders.

20. It is submitted that Mr. Narwal then asked Respondent No.1 to appear before him so that he can cancel the permission granted, in view of Judgement of this Court. He appeared on various occasions but was denied hearing by Mr. Narwal. He informed Mr. Narwal of his illness and requested to join hearing later on, but Mr. Narwal was hell-bent to cancel permission and did not offer any chance of appropriate impartial hearing. At the same time, the Petitioner DDA had written to the Chief Engineer, Dwarka informing of all the facts and circumstance and asked him to appoint an



impartial Authority to hear the case of Respondent No.1 and make a suitable decision for granting/ withdrawal of the permission to him. However, his request remained unheeded.

21. In the meanwhile, Mr. Narwal passed an Order to withdraw the permission granted to Respondent No.1. Later, Mr. Narwal went to Respondent No.1's shop and demanded him to vacate the site as his permission had been cancelled. Respondent No.1 requested Mr. Narwal not to be harsh against him and his dependent children, who have no mother. *Instead of listening to him, Mr. Narwal abused him with caste remarks and threatened him of dire consequences.* All these incidents took place before the shopkeepers and people present at the site. Respondent No.1 felt mental and emotional pain and approached the Police against Mr. Narwal, but Police, who was under influence of Mr. Narwal, did not take any action. Left with no other option, Respondent No.1 approached the NCSC.

22. Insofar, as the right to vend is concerned, the Government of India had enacted Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 ('*Street Vendors Act, 2014*'), under which all the street vendors are to be regulated and protected. As per scheme of this Act, a Town Vending Committee ('*TVC*') is to be constituted by each Municipal and Land Owning Agency. In case of Respondent No.1, this TVC is to be constituted by the Petitioner DDA, being the Land Owning Agency.

23. Section 3 (3) of the Street Vendors Act, 2014, says that till the TVC is constituted and survey of street vending is complete, no street vendor can be evicted. It is admitted by Respondent No.1 that some street vendors have approached this Court in Writ Petition as well as LPA and the same have been disposed of. In the *LPA 80/2016*, the Special Bench of this Court,



dealing with street vendors matter had directed the street vendors to approach the TVC for redressal of their grievances. However, it is pity to note that till date no TVC has been constituted, although, Najafgarh zone SDMC have constituted TVC.

24. Hon'ble Supreme Court is already seized of the matter in *Contempt Petition (C) 1214/2018 in W.P.(C) No. 4677/1985* and *vide* Order dated 05.09.2018 had directed the State Government to notify the TVC within a week.

25. It is further submitted that the group of street vendors, who have approached this Court in *LPA 80/2016*, was different, as they did not have the permission. But Respondent No.1 had lawful permission granted by the Petitioner DDA, despite which he was removed from the site along with other vendors and a new group of vendors were allowed to squat at Sector-6 Market by the Petitioner DDA after taking bribe.

26. Thus, Respondent No.1 has approached this Court in *W.P.(C) Nos. 5822/2017 and 8238/2017*, in which the decision of withdrawal of permission by Mr. Narwal, was quashed. Hence, the Petitioner DDA had got valid permission to squat peacefully from his squatting site. *Despite this, Mr. Narwal had not only harassed Respondent No.1 but also had abused him with unparliamentary language and discriminated on caste basis.*

27. The NCSC had made mere recommendation to the Police and the same must be construed in its true sense. It is therefore, submitted that present Petition has no merit and the same be disposed of.

28. Respondent No.2 NCSC in its affidavit has submitted that NCSC has been set up under Article 338 of the Constitution of India and its duties and functions as detailed under Section 5 includes “*duty to investigate and*



monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution or under order of the Government and to evaluate the working of such safeguards” and “to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes”.

29. It is stated that Respondent No.1 had given a representation dated 20.10.2017 stating that he was subjected to beating, caste abuse and harassment by the personnel of the Petitioner DDA. Notice dated 31.10.2017 was accordingly issued to Vice-Chairman, DDA, the Chief Engineer, DDA, Dwarka Zone and the Deputy Commissioner, South-West District. DDA *vide* its Letter dated 23.11.2014 reported that the encroachment had been removed from the public land, as per the policy of the DDA and the Orders of the Court.

30. Respondent No.1 also made a representation dated 21.11.2017 submitting that he has been a squatter for the last 13-14 years and has been earning his livelihood by selling vegetables and fruit on the footpath. He approached the Hon'ble Lt. Governor, NCT; Hon'ble Chief Minister of Delhi and Commissioner of Police to allow him to earn his livelihood with dignity and to protect him from exploitation by the Government Officials. The permission, after due enquiry and verification, had been granted to him and he again started to earn his livelihood in the same manner.

31. Respondent No.1 was not satisfied with the action taken by Petitioner DDA and he thus, approached the NCSC, on which the Notice was given to DDA and other Officers and after giving consideration, the recommendation was made by the Commission. The contentions raised by DDA are far away from the fact. It is therefore, submitted that the Petition may be dismissed.

**Submission heard and record perused.**

32. Essentially, Respondent No.2 was a street vendor, who used to sell fruits and vegetables in the Central Market, Sector 6, Dwarka, Delhi. Time and again, there have been directions by this Court in the Writ Petitions, LPAs and Contempt Petitions, directing the Petitioner DDA to remove the street vendors. Essentially, the contention of Respondent No.1 was that he had been duly granted permission for vending, though it is also not under challenge that the same was withdrawn. However, according to the Respondent No.1 the Order of revocation of his permission has already been set aside. Therefore, from this narration, it is evident that essentially, grievance of Respondent No.1 was of his removal from his vending site, which has prompted him to file a Complaint.

33. The impugned Order NCSC mentions in detail about all the Writ litigation. In regard to the casteist abuses allegedly given by Mr. Narwal to the Respondent, the NCSC had given following directions:

“The Commission therefore, recommends that action may be taken against the defaulting officials of the DDA in harassing the Petitioner. A case may be registered by the Police against the DDA officials who have given threats and caste abused. Case may also be registered under relevant sections of SC/ST POA Act, 1989 (as amended). The steps may be taken to restore the permission to the petitioner to earn his livelihood.”

34. There are no specific reference to the date on which any caste based humiliation was caused to the Petitioner, by Executive Engineer, WD-8. Pertinently, this Order also does not give any specific details or the date of incident. Only omnibus allegations have been made by the Petitioner.



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35. Be as it may, as has been submitted by the Respondents, it is only a recommendation made to the Police and there is no directions whatsoever for registration of FIR. As has been conceded, the NCSC does not have any power to direct registration of FIR, but to recommend such action.

36. In view of the aforesaid, Police is at liberty to hold an enquiry in terms of the Order dated 05.01.2018, as mandated under law. However, it is clarified that this Order does not give any direction for registration of FIR, but only recommends an enquiry.

37. With these observations, the Writ Petition along with pending Applications is hereby, disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 10, 2025/R