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

+ W.P.(C) 4859/2018

KAPIL DHIRAN

.....Petitioner

Through: Mr. S. khan, Mr. Sagar & Ms. Masra
Nadeem, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

.....Respondents

Through: Mr. Rajesh Gogna, SPC with Ms.
Rebina Rai and Ms. Punita Jha,
Advocates for R-3

Mr. Sunil Goel, SC for MCD with
Ms. Harsha, Ms. Dimple Aggarwal
and Mr. Himanshu Goel, Advocates
along with Mr. Arvind, ASO

Mob: 9810215488

Email: sunilgoel41@gmail.com

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+ W.P.(C) 8298/2018

DEVENDER KUMAR SHARMA

.....Petitioner

Through: Mr. S. khan, Mr. Sagar & Ms. Masra
Nadeem, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

.....Respondents

Through: Mr. Niraj Kumar, Sr. Central Govt.
Counsel with Mr. Chaitanya Kumar,
Advocates for R-2 & 3

Mob: 9810020341

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA



ORDER
02.12.2025

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1. Learned counsel for the respondent-Municipal Corporation of Delhi ("MCD") submits that the present writ petitions have become infructuous, as the licenses of the petitioners have been cancelled *vide* letters dated 08th April, 2025. The aforesaid letters are taken on record.
2. The letter dated 08th April, 2025, issued to the petitioner in W.P.(C) 4859/2018, is reproduced as under:

 MUNICIPAL CORPORATION OF DELHI
LAND & ESTATE DEPARTMENT
7th FLOOR, CIVIC CENTRE, MINTO ROAD
NEW DELHI-110002

14/04/25
No. AC/L&E/MCD/2025/2018-016

14/04/25
To,
Sh. Kapil Ohiran
Shop no. 07, Sec-III M B Road,
Asian Market, New Delhi-110017.

Date: 08/04/2025

Subject: Cancellation/Revocation of Licence of Shop no.07, Sec-III M B Road, Asian Market, New Delhi-110017.

Whereas Shop no. 07, Sector-III Market, MB Road, New Delhi-110017 was allotted to you on lease and licence basis with the terms and conditions as stipulated in the Licence Deed executed by you at the time of allotment.

And whereas you have failed to comply with the terms and conditions of the allotment on account of the "Non payment of licensee fee".

Whereas various notices were issued to you 20.10.2020 & 30.03.2023 to show cause as to why the allotment of Shop no. 07, Sec-III Market, M B Road, New Delhi-110017 may not be revoked/terminated on account of non-compliance of the stipulated terms and conditions. However, you have failed to respond and offer valid explanation within the prescribed period despite the opportunity given to you.

You are further directed to pay outstanding dues immediately failing which appropriate action for recovery shall be taken.

Since, you have failed to comply with the terms and conditions of the allotment of the shop/stall as stated above, I am directed to give you a notice of 90 days from the date of issue to this letter that the licence of the aforesaid, viz Shop no. 07, Sec- III M B Road, New Delhi-110017 shall cease and stand revoked/terminated on the expiry of the 31st day of July 2025. You are therefore, directed to hand over vacant and peaceful possession of the said premises to the JN(Maint-3), South Zone on or before expiry of the notice period. If you fail to handover the vacant possession of the said premises including the portion occupied by the sharer, if any on before the date mentioned above positively, necessary action to evict you under the Public Premises(Eviction of Unauthorized Occupants) Act 1971 will be taken.

Further in accordance with the Licence Deed executed by you, you are liable to payment of damages at the rate of existing licence fee+50% p.m. for the period of overstay, i.e. from the revocation/termination of the licence till the premises are vacated by you or got vacated.

This issued with the approval of Competent Authority.

[Signature]
Administrative Officer
L&E, MCD

Copy for kind information to:-
1. Addl. Commissioner/L&E, MCD
2. Deputy Commissioner, South Zone, MCD
3. Addl. Deputy Commissioner/L&E, MCD



3. Likewise, the letter dated 08th April, 2025, issued to the petitioner in W.P.(C) 8298/2018, is reproduced as under:

Item 205-4 (R) 19/4



MUNICIPAL CORPORATION OF DELHI
LAND & ESTATE DEPARTMENT
7th FLOOR, CMC CENTRE, MINTO ROAD
NEW DELHI-110002



No. AC/L&E/MCD/2025/D- 97 Date: 08/04/2025

To,
Sh. Devender Kumar Sharma
Shop no. 06, Sec-III M B Road,
Asian Market, New Delhi- 110017.

Subject:- Cancellation/Revocation of license of Shop no.06, Sec-III M B Road, Asian Market, New Delhi- 110017.

Whereas Shop no. 06, Sector-III Market, MB Road, New Delhi-110017 was allotted to you on leave and licence basis with the terms and conditions as stipulated in the Licence Deed executed by you at the time of allotment.

And whereas you have failed to comply with the terms and conditions of the allotment on account of the **"Non-payment of licence fee"**.

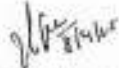
Whereas various notices were issued to you 30.05.2023 & 25.07.2023 to show cause as to why the allotment of Shop no. 06, Sec-III Market, M B Road, New Delhi-110017 may not be revoked/terminated on account of non-compliance of the stipulated terms and conditions. However, you have failed to respond and offer valid explanation within the prescribed period despite the opportunity given to you.

You are further directed to pay outstanding dues immediately failing which appropriate action for recovery shall be taken.

Since, you have failed to comply with the terms and conditions of the allotment of the shop/stall as stated above, I am directed to give you a notice of **90 days** from the date of issue to this letter that the licence of the aforesaid, viz Shop no. 06, Sec- III M B Road, New Delhi-110017 shall cease and stand revoked/terminated on the expiry of the 31st day of July 2025. You are therefore, directed to hand over vacant and peaceful possession of the said premises to the JE(Maint-I), South Zone on or before expiry of the notice period. If you fail to handover the vacant possession of the said premises including the portion occupied by the sharer, if any on before the date mentioned above positively, necessary action to evict you under the Public Premises(Eviction of Unauthorized Occupants) Act 1971 will be taken.

Further in accordance with the Licence Deed executed by you, you are liable to payment of damages at the rate of existing licence fee+50% p.m. for the period of overstay, i.e. from the revocation/termination of the licence till the premises are vacated by you or got vacated.

This issues with the approval of Competent Authority.


Administrative Officer
L&E, MCD

Copy for kind information to:-

1. Addl. Commissioner/L&E, MCD
2. Deputy Commissioner, South Zone, MCD
3. Addl. Deputy Commissioner/L&E, MCD

4. Today, learned counsel appearing for the petitioners submits that the



demand of license fee, which are illegal, has been challenged by way of the present writ petitions.

5. He further submits that the cancellation/revocation of the licenses of the petitioners shall be challenged by the petitioners.

6. Accordingly, the present writ petitions are disposed of noting the aforesaid and granting liberty to the petitioners to seek their remedies in accordance with law, to challenge the cancellation/revocation of the licenses of the petitioners.

MINI PUSHKARNA, J

DECEMBER 2, 2025/ak