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

Date of decision: 17th March, 2026.

Uploaded on: 18th March, 2026.

+ **W.P.(C) 3309/2026 & CM APPL. 15993/2026, CM APPL. 15994/2026**

INDER SINGH BAWARIYA

.....Petitioner

Through: Mr. Bharat Aggarwal, Adv.
(M:8130933046)

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.

.....Respondents

Through: Mr. Sriharsha Peechara, Standing
Counsel for NDMC with Mr.
Chaitanya Singh, ASC, Mr. Soumit
Ganguli, Ms. Ravicha Sharma & Ms.
Shruti Agarwal, Advocates. (M:
9717466788)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPLs.15993/2026 & 15994/2026 (for exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 3309/2026

3. The present petition has been filed by the Petitioner-Mr. Inder Singh Bawariya under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to substitute the name of the Petitioner in place of his deceased mother in the Certificate of vending (*hereinafter*, 'CoV').

4. The brief background of the present case is that the Petitioner is the son



of Late Smt. Gul Bai Bawariya, who had been issued a CoV bearing No. **V2025601698**. Late Smt. Gul Bai Bawariya had been vending from the designated site *i.e.*, Opposite Shop No.08, Mini Market, Sarojini Nagar Market, New Delhi (*hereinafter*, 'the vending site').

5. Late Smt. Gul Bai Bawariya was the wife of Late Shri Khem Raj Bawariya. After the demise of her husband, she had filed a writ petition being **W.P.(C) 5113/2025** titled '**Gul Bai Bawariya v. New Delhi Municipal Council & Anr.**' seeking to participate in the survey conducted by the Town vending Committee (*hereinafter*, 'TVC'). In the said writ petition *vide* order dated 22nd April, 2025, it was directed as under:

"W.P.(C) 5113/2025

3. *The present petition has been filed by the Petitioner-Gul Bai Bawariya, under Article 226 of the Constitution of India inter alia seeking to direct the Respondents to permit the Petitioner to participate in the survey conducted by the Town Vending Committee.*

4. *It is the case of the Petitioner that she is the wife of Sh. Khem Raj Bawariya, who was a vendor in front of Shop No. 8, Mini Market, Sarojini Nagar Market, New Delhi. According to the Petitioner, her husband passed away on 17th February 2025. The prayer is that her representation be considered and she be permitted to participate in the survey.*

5. *Ld. Counsel for the Petitioner relies upon the death certificate of Mr. Khem Raj which is placed on record. As per the death certificate, the date of death of the Petitioner's husband on 17th February, 2025 stands confirmed.*

6. In view of the averments made in the writ petition, let the representation of the Petitioner be considered



by the Respondents. Her documents may be verified properly and if Sh. Khem Raj Bawariya is a registered and valid vendor and the Petitioner is verified as his wife and is eligible, then the Petitioner would be permitted to participate in the survey.

7. The documents shall be submitted by the Petitioner to the Director Enforcement, South, Town Vending Committee who shall consider the Petitioner's documents and communicate its decision in accordance with law.

8. The present writ petition is disposed of in the above terms. Pending applications, if any, are also disposed of."

6. As can be seen from the above order, the mother of the Petitioner was allowed to participate in the survey.
7. Thereafter, a survey was conducted by the TVC and CoV was to be issued to Petitioner's mother.
8. However, unfortunately prior to the issuance of the CoV, she passed away on 8th September, 2025. Thereafter, CoV was issued in Late Smt. Gul Bai Bawariya's name on 29th September, 2025.
9. The Petitioner herein is one of the sons, who has obtained a No-Objection Certificate from his brother namely Mr. Lakhan Bawariya. The prayer in the present petition is for the transfer of the CoV in the name of Mr. Inder Singh Bawaria.
10. The submission of Id. Counsel for the Petitioner is that the Petitioner and his family are dependent upon the vending site for their livelihood. It is, therefore, prayed that the substitution of the name of the Petitioner in the CoV may be considered.



11. On behalf of the New Delhi Municipal Council (*hereinafter*, 'NDMC'), it is submitted by Id. Counsel that the Petitioner is 36 years of age and cannot, therefore, be considered as a *dependent child* under Section 5(2) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

12. Additionally, Id. Counsel for the NDMC contends that under similar circumstances, in *W.P.(C) 6666/2025* titled '*Devi Charan v. New Delhi Municipal Council & Anr.*', this Court had refused to transfer the CoV in the name of the Petitioner, who was of 65 years of age. Furthermore, Id. Counsel for the NDMC also submits that the vending site cannot be transferred in this manner, in perpetuity, to one family.

13. The Court has heard the Id. Counsels for the parties. The case of the Petitioner is that he has been working from the vending site, after the demise of his mother and father. The mother of the Petitioner was also a senior citizen at the time when she passed away and was issued a CoV. The Petitioner is stated to be having a wife and three children.

14. In the facts of the present case, let the documents in this matter be verified by the Director Enforcement, NDMC. The Director Enforcement, NDMC shall decide, after verifying all the credentials, whether the Petitioner would be entitled to substitution of his name in the place of his mother, in terms of Section 5(2) of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Thereafter, the application of the Petitioner for substitution of his name in the CoV shall be proceeded with in accordance with law.

15. The Petitioner shall appear before the Director, Enforcement, NDMC on **8th April, 2026 at 11:30 AM.** The Director Enforcement, NDMC shall



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after hearing the Petitioner, decide the application for substitution of the name of the Petitioner within a period of four months. All rights and remedies left open.

16. The petition is disposed of in the above terms. Pending Applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

MARCH 17, 2026/dk/sm