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

+ **W.P.(C) 4489/2026 & CM APPL. 21856/2026**

SATENDER JHA

.....Petitioner

Through: Mr. Sachin Kumar, Mr. Shivam
Awasthi and Mr. Brajesh Kumar,
Advocates.

versus

THE STATE GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil) GNCTD with Ms. Rashi
Aggarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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06.04.2026

1. The petition has been filed seeking following reliefs:

“a) Issue a writ of mandamus or any other appropriate writ, order, direction directing the Respondents No. 1 and 2 to permit the petitioner to reopen and run his CVM(Kiosk) situated at Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi-110064 and / or

b) Issue a writ of mandamus or any other appropriate writ, order, direction directing the Respondents No. 1 and 2 to restrain them from interfering in the running of CVM (Kiosk) situated at Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi-110064 and / or

c) Issue a writ of certiorari or any other appropriate writ, order, direction to set aside order dated 31.01.2026 by the concerned officials of Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi-110064 and / or

d) Pass any other or further order (s) as this Hon'ble Court may deem fit, just and proper in the given facts and circumstances of the present case, in the interest of justice.”



2. The petitioner claims to be the proprietor of Avinash Marketing Company. It is the case of petitioner that he was allotted a Condom Vending Machine (**hereinafter “CVM”**) (kiosk) at Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi, pursuant to an arrangement dated 09.11.2010.
3. The sole grievance of the petitioner pertains to the action of the respondents in not permitting him to reopen and operate his CVM (kiosk) at the said hospital, and in rejecting his request to continue operations *vide* order dated 31.01.2026.
4. It appears that earlier, the petitioner approached this Court and the Court had directed the respondent to decide the petitioner’s grievance by way of a speaking order. Pursuant thereto, the respondents passed the order dated 31.01.2026, wherein it has been observed that the petitioner has no vested right to continue the operations. The said order further indicates that there was no subsisting agreement after the year 2013 and the petitioner continued in occupation without any formal authorization. The mere acceptance of electricity charges or other payments would not confer any legal right upon the petitioner to continue the operations.
5. In absence of any subsisting legal right, the Court is unable to accept the prayer made by the petitioner.
6. Accordingly, the instant petition fails and hereby dismissed.

PURUSHAINdra KUMAR KAURAV, J

APRIL 6, 2026/Sh/ss