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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 764/2025 and CM APPL.71134/2025**

SANTOSH D KAUSHAL

.....Petitioner

Through: Mr. Vivek Singh, Ms. Kirti Mewar and
Ms. Kriti Sharma, Advocates.

versus

NORTH DELHI MUNICIPAL CORPORATION

.....Respondent

Through: Mr. Tushar Sannu and Ms. Pulak Gupta
Joshi, Advocate for MCD and Mr.
Sachin, officer of MCD.
Mr. Raj Kumar, ASC along with Ms.
Vandana Sachdeva, Advocate for
NDMC.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

03.02.2026

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1. The present petition arises in the context of a judgment / order dated 08.08.2024 passed by this Court in W.P.(C) 10502/2019 titled as '*Ms. Padma Sahgal v. North Delhi Municipal Corporation*', whereby, the petitioner, having the leasehold rights in respect of shop bearing nos.9 and 10, Azad Market, Kishanganj, Delhi, sought rehabilitation and allotment of alternative shops pursuant to being divested of the said shops for the purpose of the project for widening of the Kishanganj Road.

2. *Vide* judgment / order dated 08.08.2024, the writ petition filed by the petitioner was disposed of with a direction that upon furnishing probate in respect of the Will relied upon by the petitioner, the respondent corporation shall proceed to make allotment of shops to her in terms of the Rehabilitation Scheme. The said order dated 08.08.2024, *inter alia*, reads as under:-

"9. In view of the aforesaid, the Court deems it appropriate to dispose of the instant petition with the following directions:-

i. Let the petitioner furnish probate with respect to the Will in question with the respondent-Corporation, once the same is



granted by the Court of the competent jurisdiction.

ii. Upon the petitioner producing the probate with respect to the said Will, the respondent-Corporation is directed to proceed with the allotment of shops in question in favour of the legal representative of the original writ petitioner.

iii. The respondent-Corporation shall undertake the process and shall complete the same within a period of six weeks from the date of receipt of the probate certificate."

3. It is submitted that the petitioner communicated the grant of probate with respect to the will in question, to the corporation *vide* letter dated 13.12.2024 and called upon the respondent to comply with the directions contained in the order dated 08.08.2024. However, since no action was taken despite the correspondence being addressed, the present petition came to be filed.

4. During the course of present proceedings, a demand-cum-allotment letter came to be issued by the MCD to the petitioner on 26.05.2025. The same reads as under:-

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DIRECTOR
SANJAY GANDHI TRANSPORT NAGAR
SAMEPUR, DELHI-110042

NO: 1539/Dir/SGTN/2025 Dated 26/05/2025

Ms. Santosh D Kaushal
R/o A 303, Om Sai Dham CHS Sector 17,
Vashi Navi, Mumbai-400705

Subject: Demand cum allotment letter in respect of sites allotted at Sanjay Gandhi Transport Nagar in lieu of shops at Azad Market, Delhi affected by RUI Kishan Gani

Sir/Madam,

This is to inform you that the Delhi Municipal Corporation has decided to relocate the Shopkeepers of Azad Market affected by widening of RUI at Kishan Gani to Sanjay Gandhi Transport Nagar. Accordingly, a draw of lots was held on 13/12/2008 to allot specific site/plot numbers to the shopkeepers and site/plot no. 337 & 402 measuring 10x15 (9.00m x 4.50m) in Sanjay Gandhi Transport Nagar has been allotted against your shop no. 9 & 10.

As per the Corporation Committee Resolution no. 218 dated 28/04/2019 approved by the Municipal Corporation of Delhi, you are required to deposit an amount of Rs. 87,750/- each for shop no. 337 and Rs. 87,750/- for shop no. 402 being the one time incidental charges @6500/- per sqm. Towards development expenses.


Deputy Director
Sanjay Gandhi Transport Nagar

Copy to:-
1. Director/SGTN
2. ACO/SGTN
3. Office Copy

for Mnd information please



5. Pursuant thereto, a grievance was raised by the petitioner with respect to the demand sought to be raised by respondent as a pre-condition for allotment of the shops. Consequently, in the present proceedings *vide* order dated 15.01.2026, the respondent (MCD) was directed to disclose whether similar demands have been raised upon the similarly situated shopkeepers as a pre-condition for allotment of shops.

6. In the above background, a status report has been filed on behalf of the MCD in which it has been brought out that similar demands have been raised upon all persons / allottees to whom shops have been allotted at Sanjay Gandhi, Transport Nagar, Delhi and all of the said persons are stated to be similarly placed as the present petitioner.

7. Learned counsel for the petitioner, however, submits that the demand sought to be raised is wholly unreasonable and unjustified in the facts and circumstances of the present case.

8. It is further stated that in view of the delay in allotting the shops to the petitioner, the petitioner is also entitled to damages from the MCD. It is also contended that the shops sought to be allotted to the petitioner are inadequate / deficient.

9. However, after some hearing, the petitioner accedes to comply with the demand sought to be raised *vide* letter dated 26.05.2025 and accepts the allotment that are sought to be made by the MCD in favour of the petitioner. It is directed accordingly.

10. At the request of the learned counsel for the petitioner, it is clarified that the aforesaid shall be without prejudice to right of the petitioner to initiate substantive proceedings seeking to contest the aforesaid demand/s sought to be raised by the MCD and/or the right to claim damages. It is made clear that this Court has not expressed any opinion as regards the merits or maintainability as



regards any such action.

11. No further orders are required to be passed in the present petition and the same is, accordingly, disposed of. Pending application also stands disposed of.

SACHIN DATTA, J

FEBRUARY 3, 2026/r