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

+ **W.P.(C) 524/2026 & CM APPL. 2638/2026**

LATE SH MAHESH KUMAR MALHOTRA DECEASED

THROUGH HIS SON SH YASH MALHOTRAPetitioner

Through: Mr. Zahid Hanief & Mr. Sonu Lonrai,
Adv.

versus

MCD AND ANOTHERRespondents

Through: Mr. Kapil Dutta, Standing Counsel,
MCD.
Mrs. Shilpa Ohri, Adv. for MCD.
Mr. Manish Srivastava, Mr. Moksh
Arora and Mr. Santosh Ramdurg,
Adv. for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% 15.01.2026

1. This hearing has been done through hybrid mode.

CM APPL. 2638/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 524/2026

3. The present petition has been filed by the Petitioner through his son, under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondent No.1 to restore his *tehbazari* site bearing No. 17478, measuring 10 x 8 (covered), situated at Khokha Milan Cinema Market, Karampura, New Delhi (*hereinafter*, 'vending site') or in the alternative allocate another site.



4. At the outset, it is submitted by Id. Counsel for the Respondent No.2 - TATA Power Delhi Distribution Limited, that in the area concerning the vending site, Respondent No.2 does not provide electricity. Accordingly, Respondent No.2 is deleted from the array of parties.

5. The case in the present petition is that, the deceased Petitioner was a *tehbazari* receipt holder bearing No. 030820251153137 and his *tehbazari* right is valid till 31st March, 2026. After the demise of the Petitioner in 2021, the son of the Petitioner had inherited the vending site from the Petitioner.

6. In January, 2025, the son of the Petitioner was removed from the vending site, due to widening of the drain and with the assurance that he would be restored back to the vending site. However, till date, despite representations made by the son of the Petitioner, he has not been restored.

7. Id. Counsel for the MCD submits that the Petitioner was removed temporarily and is unaware as to whether the Petitioner is entitled to an alternate vending site or not.

8. Heard Id. Counsels for the parties. The case of the Petitioner be considered by the Asst. Commissioner, Central Licencing and Enforcement Cell, Dr. SPM Civic Central, J.L. Nehru Margh, New Delhi, or any other official who may be the concerned Assistant Commissioner of the relevant area.

9. The Petitioner shall appear before the Assistant Commissioner on 28th January, 2026 at 11:30 a.m.

10. The Assistant Commissioner shall verify the documents of the Petitioner and upon verification, appropriate action shall be taken by either restoring the vending site to the Petitioner or allotting an alternate vending site.



11. The decision shall be taken by the Assistant Commissioner by 15th February, 2026. The decision shall be communicated to the Petitioner.
12. All rights and remedies of the Petitioner are left open, including the liberty to seek restoration of the present petition in case no decision is taken by the prescribed date.
13. The petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 15, 2026/ Rahul/sm