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

Date of Decision: 17th July, 2026

+ CONT.CAS(C) 1210/2026 & CM APPL. 44827/2026

DARSHNA MALIK & ORS.

.....Petitioners

Through: Mr. Sunil Choudhary, Advocate
(M:9899750209)

versus

SANJEEV KHIRWAR & ANR.

.....Respondents

Through: Mr. Tushar Sannu, SC with Mr. Ritik
Anmol, Advocate

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present petition has been filed alleging wilful and deliberate disobedience of the orders dated 10th November, 2025 and 29th April, 2026, passed by the Division Bench of this Court in W.P.(C) 11238/2021 and W.P.(C) 5860/2026, respectively.
2. The order dated 10th November, 2025 passed by the Division Bench, reads as under:

"1. Deputy Commissioner of Police (Traffic), South District, who is physically present in the Court, has assured that he shall re-consider the framing of format and shall issue appropriate 'NOC' as required in the present case within a period of 48 hours from today. Since the statement is coming from the Officer, who is physically present in the Court, same is accepted.

2. Learned counsel for the respondent-MCD submits that once the 'NOC' is received, appropriate steps for re-settlement/re-location shall be taken forthwith and compliance shall be reported within a period of three weeks from today.

3. As far as the issuance of Tehbazari license to others are



concerned, we deem it appropriate to keep the said issue open, to be canvassed by the petitioner before the appropriate forum.

4. With the above observations, the petition stands disposed of.

5. Pending application, if any, also stand disposed of.

6. Order be uploaded on the website of this Court.”

3. Perusal of the aforesaid order shows that the learned Division Bench recorded the statement on behalf of Deputy Commissioner of Police (Traffic), South District, that they shall consider the issuance of appropriate No Objection Certificate (“NOC”), with regard to allotment of *Tehbazari* sites to the petitioners herein.

4. Further, learned Division Bench had directed that the question with regard to issuance of *Tehbazari* license would be kept open.

5. Subsequently, another writ petition came to be filed, being *W.P.(C) 5860/2026*, titled as *Darshna Malik & Ors. Versus Municipal Corporation of Delhi*, wherein, the order dated 29th April, 2026 came to be passed, which reads as under:

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners- Ms. Darshna Malik, Mr. Atam Prakash and Mr. Rajkumar under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Municipal Corporation of Delhi (hereinafter, ‘MCD’) to hand over the physical possession of the re-allocated alternate site to the Petitioners. The Petitioners in effect seek implementation of the order dated 10th November, 2025 passed in *W.P.(C) 11238/2021*, titled *Sewa Nagar Model Market Society v. Union of India & Ors.*
3. The Petitioners claim to be *Tehbazari* holders at Sewa Nagar, New Delhi. The said sites of the Petitioners were demolished by the Municipal Corporation of Delhi (hereinafter ‘MCD’) due to re-development under the



GPRA Project. The said demolition was challenged by the Petitioners in *W.P.(C) 11238/2021* wherein *vide* order dated 10th November, 2025, it was directed as under:

"1. Deputy Commissioner of Police (Traffic), South District, who is physically present in the Court, has assured that he shall re-consider the framing of format and shall issue appropriate 'NOC' as required in the present case within a period of 48 hours from today. Since the statement is coming from the Officer, who is physically present in the Court, same is accepted.

2. Learned counsel for the respondent-MCD submits that once the 'NOC' is received, appropriate steps for re-settlement/re-location shall be taken forthwith and compliance shall be reported within a period of three weeks from today.

3. As far as the issuance of Tehbazari license to others are concerned, we deem it appropriate to keep the said issue open, to be canvassed by the petitioner before the appropriate forum.

4. With the above observations, the petition stands disposed of.

5. Pending application, if any, also stand disposed of.

6. Order be uploaded on the website of this Court."

4. As can be seen from the above order, MCD was to take appropriate steps for re-location of the Petitioners within three weeks.

5. The grievance of the Petitioners is that a letter has been received dated 9th March, 2026 approving re-location of alternate sites at Vth Avenue Road, Lodhi Colony (Ward No. 145), New Delhi, however, no site has been identified till date. Ld. Counsel for the Petitioners submit that the Petitioners



have still not received any intimation as to where they can put their vend.

6. Mr. Sannu, Id. Counsel for the MCD under instructions from Dr. Rajiv Nayan, Assistant Commissioner, MCD submits that the site where the Petitioners can vend their wares shall be identified within two days and the same shall be intimated to the Petitioners.

7. Accordingly, let the Petitioners visit the office of the said Assistant Commissioner tomorrow *i.e.*, **30th April, 2026** at **11:30 AM** and the said site be identified.

8. With these observations, the present petition is disposed of. Pending applications, if any, stand disposed of.

”

6. Perusal of the aforesaid order clearly shows that the learned Division Bench had recorded that the letter dated 09th March, 2026 had been received by the petitioners, whereby, approval for re-location to alternate site at *Vth Avenue Road, Lodhi Colony (Ward No. 145), New Delhi*, had been accorded to the petitioners. However, no site had been identified. Thus, for this purpose, the petitioners were directed to visit the office of the Assistant Commissioner, Municipal Corporation of Delhi (“MCD”).

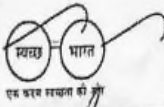
7. Today, learned counsel for the respondent-MCD has handed over to this Court various letters all dated 14th July, 2026, which are taken on record.

8. One of the said letters dated 14th July, 2026, issued in favour of petitioner no. 1, is reproduced as under:



2026:DHC:5737



	MUNICIPAL CORPORATION OF DELHI OFFICE OF THE ASSISTANT COMMISSIONER CENTRAL ZONE, LAJPAT NAGAR-II, NEW DELHI-110024 *****	 एक बात सचता की ओर
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No. AC/CNZ/MCD/2026/D- 490

Dated: 14/07/2026

Name:- Ms. Darshna Malik
W/o:- Sh. Atam Prakash Malik
R/o:- House No. 27, 2nd Floor, Sewa Nagar
Lodhi Road, Central Delhi, Delhi - 110003.

Paste
Photo

Sub: Re-allocation of alternate site measuring 6'x4' (Tehbazari Site No. 233) at Andrews Ganj Market, New Delhi (Ward No. 145) in compliance of Hon'ble High Court order dated 10.11.2025 in the matter titled as "Sewa Nagar Model Market Society v/s Union of India & Ors." (W.P.(C) No. 11238/2021 & CM APPL. 34599/2021).

In compliance of the Hon'ble High Court order dated 10.11.2025 in the matter titled as "Sewa Nagar Model Market Society v/s Union of India & Ors." and subsequent order of the Hon'ble High Court dated 29.04.2026 in the matter titled as "Darshna Malik & Ors. Vs MCD", the competent authority vide orders dated 01.07.2026 has approved re-allocation of alternate site measuring 6'x4' at Andrews Ganj Market, New Delhi on the usual terms and conditions of tehbazari.

It is, further, pertinent to mention here that this letter is being issued in supersession of earlier communication dated 09.03.2026 wherein previous re-allocation of alternate site was considered at Vth Avenue Road, Lodhi Colony (Ward No. 145).

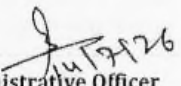
You are being original allottee is hereby requested to take physical possession of the re-allocated site with proper acknowledgement and payment of tehbazari dues, if any.

This issues with the prior approval of Competent Authority.

Note:- Physical possession will be handed over by the Department on the site with proper geo-tagged photographs.

Copy to:

1. DC/CNZ : For kind information.
2. AC/CNZ : For kind information.
3. AO/IT/HQ : For updating on Mpl. portal.
4. LI & RC : For updating on record.
5. Office Copy


Administrative Officer
Administrative Officer
Municipal Corporation of Delhi
Central Zone, Lajpat Nagar,

9. Reading of the aforesaid letter makes it apparent that the MCD has re-allocated the *Tehbazari* site to the petitioners at *Andrews Ganj Market, New Delhi (Ward No. 145)*.



10. Thus, the petitioners are at liberty to approach the respondents for the purpose of identifying the exact location, where the petitioners are to be re-located.

11. This Court further notes that there was no specific direction by the learned Division Bench with regard to allotment of any specific site to the petitioners. The earlier orders were passed on the basis of the letters issued by the MCD.

12. Accordingly, when a fresh letter has been issued by the MCD, the petitioners are at liberty to approach the MCD for the purpose of taking over alternate site of *Tehbazari*, as allotted to them.

13. This Court further notes the submission made by learned counsel for the MCD that re-allocation to a new site has been done, on account of administrative reasons.

14. This Court also notes the grievance of the petitioner that the petitioners had earlier been allotted another site at *Vth Avenue Road, Lodhi Colony (Ward No. 145), New Delhi*, which is still available, and has illegally been allotted by the MCD to be used for the purpose of hawking.

15. If that be the grievance of the petitioners, the petitioners can seek appropriate legal remedies in this regard.

16. With the aforesaid directions, the present petition is accordingly, disposed of.

MINI PUSHKARNA, J

JULY 17, 2026/au