



\$~17

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 28.10.2025

+ W.P.(C) 739/2022

SHANTA DEVI

.....Petitioner

Through: Mr. Arpit Bhalla, Advocate

Mob: 9990766666

Email:

advocatearpitbhalla@gmail.com

versus

SOUTH MCD & ORS.

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil), GNCTD for R-2 and R-3

Mob: 9910623535

Email: advanubhav94@gmail.com

Mr. Anuj Chaturvedi, SC and Ms.
Richa Dhawan, SC with Ms. Shivani
Thakur, Advocate for MCD

Mob: 9810473166

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present petition has been filed seeking directions to the respondents to restore the shop of the petitioner, i.e., *Shop No. 27, measuring 8.8 sq meters out of Khasra No. 52*, situated in Revenue Estate of *Village Najafargh, Delhi-110043*, in the same position as it was before the demolition was carried out.

2. On 23rd April, 2025, this Court had passed detailed directions, in the following manner:

"1. Learned counsel appearing for the Municipal Corporation of Delhi ("MCD"), draws the attention of this Court to the order dated



26th October, 2021, passed in CONT.CAS(C) 343/2020, to submit that the action for demolition of the shop of the petitioner, was taken pursuant to the directions of the Court in the said order. The relevant portion of order dated 26th October, 2021, reads as under:

“xxx xxx xxx

1. The court's attention is drawn to the non-removal of a construction in the middle of the road maintained by Public Works Department ('PWD'), GNCTD, as shown at Annexure P-38, as well as other electricity installations in the right of way.

Photographs of the same are reproduced hereunder:



xxx xxx xxx

10. The learned ASC for GNCTD submits that the 120 feet wide road is maintained by PWD; however, hawking-licences are issued by the Corporation concerned and latter is duty bound to remove the unauthorised hawkers. He also submits that licences can be issued only for a site, where hawking does not impede the free flow of traffic and movement of the pedestrians. He further submits that PWD would also be ready and willing to



provide the assistance, so would Delhi Police to clear up the encroachments and impediments, but it would have to be initiated and completed by the SDMC. Let the matter be looked into by the Deputy Commissioner (Zone), SDMC and an affidavit be filed by the said officer, ensuring that the roads are cleared up of all impediments within 2 weeks. The DCP of the area shall ensure that due police assistance is provided to the encroachment clearance to be earned out by the SDMC. The PWD shall assist in the process, as may be requested by the SDMC.

xxx xxx xxx”

2. Learned counsel appearing for MCD also draws the attention of this Court to the Status Report filed on behalf of the MCD, wherein, it has been stated as under:

“xxx xxx xxx

5. That, furthermore, as per the records of the Licensing Department (NGZ) of Respondent No.1, Teh Bazari rights were allotted to only 26 shopkeepers at the location namely 'Veer Bhaqat Singh Market' near Health Centre, Najafgarh, Delhi. That, thus, except all such 26 shopkeepers all the other unauthorized hawkers, including the Petitioner, were removed in the said joint action.

xxx xxx xxx”

3. By referring to the aforesaid, it is the case of the learned counsel for the MCD that only 26 shops were licensed by the MCD, wherein, Teh Bazari rights had been granted at the location namely, Shaheed Bhaqat Singh Market, Near Health Centre, Najafgarh, New Delhi-110043. He submits that the shop of the petitioner was in the nature of encroachment, on account of which, action was taken by the MCD.

4. Per contra, learned counsel appearing for the petitioner submits that the petitioner had purchased the shop in question through a valid sale deed dated 20th July, 2021, and that they were in lawful possession of the same.

5. Considering the fact that it is the case of the MCD that Teh Bazari rights have been granted to the other 26 shops, let the documents with regard thereto, be filed by the MCD, within a period of six weeks, from today.

6. Further, the MCD shall also indicate as to whether any survey of the area in question has been done, and as to whether the other 26 shopkeepers, as well as the petitioner, are part of the survey by the Town Vending Committee.



7. *The MCD shall also indicate as to whether the petitioner can be accommodated in same place, by granting Teh Bazari license, for earning livelihood by the petitioner.*

8. *Accordingly, re-notify on 31st July, 2025.*”

(Emphasis Supplied)

3. Perusal of the aforesaid shows that it is the clear stand of the Municipal Corporation of Delhi (“MCD”) that the MCD had granted *Teh Bazari* Licenses to 26 shops, however, no *Teh Bazari* License was granted in favour of the petitioner herein. Thus, removal action was taken by the MCD.

4. Pursuant to the aforesaid order dated 23rd April, 2025, a Status Report dated 30th July, 2025, has been filed on behalf of the MCD, which reads as under:

“xxx xxx xxx

1. That as per record of the answering Respondent, in 1969 only 26 Teh Bazari shops – ad-measuring 80 sq.ft - were allotted by the answering Respondent at Veer Bhagat Singh Market, near Health Centre, Najafgarh, New Delhi-110043. That copy of allotment letter of one such allottee of one such shop is annexed herewith as **Annexure R-1**. That the details of allottees of such allotment are annexed herewith as **Annexure R-2**.

2. That as per record of the answering Respondent no survey has been conducted by the Town Vending Committee of Najafgarh Zone for these 26 Teh Bazari/shops as of yet. That, however, the survey of the Town Vending Committee is still under process for the areas coming under the jurisdiction of Najafgarh Zone, MCD.

3. That it is humbly submitted that as per the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the Petitioner may apply as per the said Act of 2014, for earning livelihood. That the eligibility of the Petitioner will be decided by the respective Town Vending Committee of the Najafgarh Zone in accordance with the said Act, 2014.

xxx xxx xxx”



5. Reading of the aforesaid Status Report demonstrates that 26 *Teh Bazari* shops had been granted Licenses in the year 1969 in the area in question, i.e., *Veer Bhagat Singh Market, near Health Centre, Najafgarh, New Delhi-110043*.

6. Allotment letter of one such allottee of shop has been attached with the affidavit of MCD, which is reproduced as under:

MUNICIPAL CORPORATION OF DELHI
(RURAL ZONE)

No. PS(1)/ZA/HG/68-69/567 Dated: 1-9-79

To
Sh. Jai Singh Negi,
in Person, Najafgarh,
Najafgarh,

Dear Sir,

With reference to your application dt. 1-12-78 for allotment of site on *tehbazari* basis, it is to inform you that a site measuring 8/210' bearing No. 17 allotted to you on the 10th of June, 1969, by the draw of lot by the then Zonal Assistant Commissioner, Rural, on the eastern road berm alongwith the wall of Najafgarh Rural Health Training Centre on the terms and conditions approved by the Corporation which forms a part of the agreement that was finalised at the time of draw of lot between you and the Corporation for record.

You are required to take possession of the allotted site within seven days of the receipt of this letter. You may now put up temporary structure thereon according to the standard plan which is available on payment and a copy of which is being supplied to your association through the Area Councillor.

In case you fail to take the possession of the allotted site within the stipulated time and to act as required, the aforesaid allotment will be deemed as cancelled and you will not be entitled to any compensation whatsoever.

Yours faithfully,
(Ram Saran Doss)
Zonal Asstt. Commissioner,

Asstt. Commissioner
Najafgarh Zone
MCD



7. This Court notes the submission of learned counsel appearing for the petitioner that the petitioner was in occupation of the shop in question as the owner of the said shop.
8. However, the said position is denied by learned counsel appearing for the respondent-MCD, who submits that the shops were existing therein only on the basis of *Teh Bazari* Licenses having been granted by the MCD.
9. This Court cannot consider and decide any disputed questions of facts, as raised hereinabove. Accordingly, the petitioner is granted liberty to seek remedies, in accordance with law, in order to establish its case as regards the ownership of the shop in question.
10. In the meanwhile, the petitioner is also granted liberty to make a representation before the Town Vending Committee (“TVC”) of Najafgarh Zone, MCD along with the relevant documents, for the purpose of allotment of a *Teh Bazari* License.
11. Upon the petitioner making a representation to the TVC, the TVC shall duly consider the documents of the petitioner in support of the submissions of the petitioner regarding running of a shop by the petitioner from the area in question.
12. The case of the petitioner for grant of *Teh Bazari* License shall be considered by the TVC on its merits, after considering the documents submitted by the petitioner.
13. It is further directed that the case of the petitioner shall also be considered by the TVC at the time of survey of the area in question. Merely because the petitioner is not found at the site in question at the time of the survey, would not be a ground for not including the name of the petitioner in the list of the surveyed people in the area, since it is the stand of the MCD



2025:DHC:9469



that the petitioner has already been removed from the area in question.

14. Needless to state, in case, the petitioner is running his business or vending in some other area, the petitioner cannot claim a right at two places.

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

MINI PUSHKARNA, J

OCTOBER 28, 2025

ak