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

% *Date of Decision: 30th January, 2025*

+ CONT.CAS(C) 899/2019
MAHESH KUMAR

.....Petitioner

Through: Mr. Bibhuti Bhushan Mishra, Mr.
Dhruv Chauhan and Ms. Shivalika,
Advocates.

versus

VIJAY KUMAR DEV & ORS

.....Respondent

Through: Mr. Srinarsha Peechara, SC with Mr.
Akshat K. and Mr. D.S. Bhanu,
Advocates for NDMC.
Mr. Abhinav Singh and Mr. Praveen
Kumar Kaushik, Advocates for
GNCTD.
Ms. Aastha Dhawan, Advocate for
R-17 & 21.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CONT.CAS(C) 899/2019 & CM APPL. 5757/2025

1. The petitioner has moved the above said application seeking direction to respondents to rectify certain entries in the survey application form pertaining to him. It is contended that there are certain *erroneous entries* which need to be corrected, right away.
2. However, after hearing arguments for some time, learned counsel for the petitioner submits that the petitioner would rather file a substantive petition challenging the manner in which the entries have been incorporated



in the survey application form and, therefore, at the moment, he, while reserving his rights and contentions, does not press the above said application.

3. The application stands disposed of accordingly.

4. Fact remains that the present petition has been filed seeking initiation of contempt proceedings for wilful disobedience of the order dated 18.09.2017 passed by learned Division Bench of this Court in W.P.(C) 11415/2016. Para 12 of the above said order is important and the same is extracted as under:-

“12. Needless to say that as and when the TVC becomes functional, the case of the petitioner would be considered by the TVC on the petitioner’s furnishing all the relevant documents. The TVC would consider the case of the petitioner expeditiously, as he claims that he has been squatting for a long period of time. Merely because the petitioner is not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject his case. This direction is being passed without prejudice to the rights and contentions of both the parties and without expressing any opinion on the merits of the matter.”

5. Admittedly, even as per the case of the petitioner, the survey has already been conducted qua him and his case has been considered during such survey.

6. Viewed thus, nothing survives in the contempt petition.

7. However, in case, the petitioner, as already noticed above, is having any reservation with respect to the manner in which the survey has been conducted, he can always challenge the same, if so advised, by maintaining a separate and substantive petition.

8. Since the survey has been conducted, nothing further survives in the present contempt petition either, which may call for any interference by the Court.



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9. The petition is, accordingly, disposed of.
10. It, is, however, clarified that if pursuant to survey, the petitioner is found entitled to a *certificate of vending* and such *certificate of vending* not issued to him, he would be at liberty to revive the present petition.
11. The next date stands cancelled.

(MANOJ JAIN)
JUDGE

JANUARY 30, 2025/ss