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

Date of decision: 28th April, 2025

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W.P.(C) 5430/2025

RAJA SINGH

.....Petitioner

Through: Mr. N.K. Sahoo, Advocate.

versus

NEW-DELHI MUNICIPAL COUNCIL

.....Respondent

Through: Mr. Sriharsha Peechara, Standing Counsel for NDMC with Mr. Akshat Kulshrestha, Mr. DS Bhanu and Mr. Akhilesh Loya, Advocates.

Mr. Vinay Yadav, SPC with Mr. Divyanshu Sinha, Mr. Ansh Kalra and Ms. Kamna Behrani, Advocates for R-3/ Delhi Police.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 24751/2025 (for exemption)

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

W.P.(C) 5430/2025 & CM APPL. 24750/2025 (for interim relief)

3. The present petition has been filed by the Petitioner – Raja Singh under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondent- New Delhi Municipal Council (hereinafter, ‘*NDMC*’) to restrain them from disturbing the Petitioner from squatting and vending in front of Shop No.1 besides stairs in front of Babu Market, Sarojini Nagar, New Delhi-110023 (hereinafter, ‘*said site*’).

4. The Petitioner Mr. Raja Singh claims to be the son of late Pritipal



Singh. According to the Petitioner, his father was a regular vendor and was squatting at the said site. The Petitioner claims seniority in squatting rights at the said site through his father late Pritipal Singh as also grandfather late Gurmukh Singh.

5. The case of the Petitioner is that in the year 2007, the father of the Petitioner had filed an application for grant of *Tehbazari* right under the 2007 scheme of NDMC. On 30th June 2011, the name of the Petitioner's father was listed at Serial No. 2665 in the list of 3203 eligible vendors prepared by the then Town Vending Committee pursuant to the directions of the Hon'ble Supreme Court. Subsequently, on 15th July 2011, the Supreme Court in *IA Nos.411 and 412 of 2011* in *W.P.(Civil) No(s). 1699 of 1987* titled '*Gainda Ram & Ors. v. M.C.D. & Ors*' directed the parties to maintain the status *quo*. The relevant portion of the said order reads as under:

“Heard learned counsel for the applicants and perused the record. Since judgment of this Court has so far not been implemented, inasmuch as appropriate legislation has not been enacted by the competent legislature, we direct the parties to maintain the status quo as it is obtaining today.”

6. Thereafter, the Petitioner's father filed a joint writ petition before this Court, being *W.P. No. 5261/2011*, along with *W.P. Nos. 5262/2011* and *5263/2011* titled '*Shiva Nath Choudhary Ram Dass v. NDMC & Ors.*', in which the Petitioner's father was arrayed as Petitioner No. 8. The said petitions were disposed of by a common judgment of this Court, directing the parties to seek clarification from the Supreme Court regarding the order dated 15th July 2011 concerning the maintenance of *status quo*. The relevant portion of



the said decision reads as under:

*“32. In view of the aforesaid facts and circumstances, this Court is of the opinion that it will not be appropriate for it to grant stay orders in the face of the status quo order dated 15.07.2011 passed by the Supreme Court. It is reiterated that any such order shall be an anti-thesis to the orders of the Supreme Court, which must be respected both, in letter and spirit. **In such circumstances, the present petitions are disposed of by declining grant of any interim orders to the petitioners. However, liberty is granted to both the parties to apply to the Supreme Court for a clarification of the status quo order dated 15.07.2011 passed in the case of Gainda Ram (supra). The parties are left to bear their own costs.**”*

7. The Petitioner further submits that on 30th June 2011, the Respondent filed an affidavit/undertaking dated 28th April 2012 before the Supreme Court, seeking permission to conduct a lottery among 349 Petitioners who had filed writ petitions before this Court between October 2010 and July 2011, all of whom were protected by interim orders. It was further submitted that 279 more writ petitions were filed post-July 2011, making a total of 628 individuals who were assured grant of *tehbazari* rights.

8. The Petitioner had then filed multiple applications seeking information about the status of his application for grant of *Tehbazari* rights under the Right to Information Act, 2005. The NDMC in response to the ***RTI Nos. 6028/2012*** and ***9084/2014*** had agreed to consider the name of the Petitioner’s father along with the list of 628 persons. The NDMC is stated to have given an



undertaking before the Apex Court. The relevant portion of the response to **RTI No. 9084/2014** reads as under:

**“ENFORCEMENT DEPARTMENT
VENDING COMMITTEE**

**Reply to RTI APPLICATION NO 9084/2014 UNDER
RTI Act 2005 & Information as under :-**

**According to your letter your name is listed in 126
persons which is along with the list of 628 persons**

:-

*Sd/-
Section officer
VENDING COMMITTEE”*

9. The reason why the Petitioner has approached this Court now is that there is a possibility that he may be evicted from the said site.

10. Ld. Counsel for the Respondent has pointed out that the Petitioner had earlier filed a writ petition being **W.P.(C) 11827/2021** titled **‘Raja Singh v. New Delhi Municipal Council’**, where he has sought substitution of his name as the legal heir of the deceased father. In the said writ petition, the following order was passed on 18th January, 2023 :

“The present writ petition under Article 226 of the Constitution of India, has been instituted on behalf of the petitioner, praying as follows:-

“It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to :-

a) Direct the Respondent to substitute the petitioner's name on the name of petitioner's father has applied in 2007 scheme in NDMC.



b) Issue a Writ, Order or Direction or Pass such other or further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case”.

Learned counsel appearing on behalf of the petitioner, limits the relief, in the present writ petition, to a direction to the Town Vending Committee (TVC), to consider the petitioner's representation dated 25.11.2020, at the time they carry out the subject survey, in accordance with law.

Having regard to the facts and circumstances attendant in relation to the present writ petition and having heard learned counsel appearing on behalf of the parties, we dispose of the present writ petition, with a direction to the TVC, to determine the petitioner's representation dated 25.11.2020, in accordance with law, at an appropriate stage.

The writ petition is disposed of accordingly. The pending applications also stand disposed of”

11. Ld. Counsel for the Respondent further submits that the survey is presently going on and, therefore, the Petitioner would be considered after verification of documents in the present survey in accordance with law. It is also submitted that the seniority and substitution of the Petitioner in place to his father shall also be considered.

12. Considering the apprehensions of the Petitioner it is directed that he would be permitted to participate in the survey conducted by the NDMC in terms of the seniority of his deceased father, once the documents are found in order. Hence, the writ petition stands satisfied.

13. In the background of the above facts, the Petitioner shall accordingly be considered after verification of his credentials, in terms of the seniority which would have been afforded to his father, after verifying the vending site. In the survey, the Town Vending Committee shall hear the Petitioner as well,



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if required.

14. The petition is disposed of in these terms. Pending application(s), if any, also stand disposed of.

**PRATHIBA M. SINGH
JUDGE**

**RAJNEESH KUMAR GUPTA
JUDGE**

APRIL 28, 2025/nd/ck