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

*Date of Decision: 29<sup>th</sup> April, 2025*

+ **W.P.(C) 5488/2025 & CM APPL. 25023/2025**

SURESH BABU

.....Petitioner

Through: Mr. Madhuresh Kumar Mishra,  
Advocate for Mr. Dilip Paswan,  
Advocate.

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjeev Sabharwal, Ms. Shweta  
Singh and Ms. Manshi Sharma,  
Advocates for R/GNCTd.  
Mr. Sriharsha Peechara, Standing with  
Mr. Akshat Kulshrestha, Mr. DS  
Bhanu and Mr. Akhilesh Loya,  
Advocates for NDMC.  
Mr. Aditya Singla, SSC with Mr.  
Umang Mishra, Advocate for R/CBIC.

**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. 25024/2025 (for exemption)**

2. Allowed, subject to all just exceptions. The application stands disposed  
of.

**W.P.(C) 5488/2025 & CM APPL. 25023/2025**



3. The present petition has been filed by the Petitioner– Suresh Babu under Article 226 of the Constitution of India seeking issuance of appropriate directions to the Respondents to not evict or dispossess the Petitioner from his existing vending site opposite Shop No. 129, Sarojini Nagar Market, New Delhi where he claims to be squatting since 1989. The Petitioner has sought following reliefs in the petition:

*“(a) Issue a writ or direction in the nature of mandamus directing to the respondents not to evict or dispossess the petitioners from his existing vending site Opp. Shop No. 129, Sarojini Nagar Market, New Delhi. In view of RTI reply dated 23.12.2024 from the office of respondent No. 3 and under the mandate of section 3(3) of the Act.*

*(b) Issue a writ or direction in the nature of mandamus directing to the respondents to enforce the permission letter no. D/1368/JD (Enf)/2019 dated 09.09.2019 issued to the petitioner.*

*(c) Issue a writ or direction in the nature of mandamus directing to the respondent no. 3 to decide the representation dated 18.11.2024 filed before it by the petitioner within stipulated time period.*

*(d) Award the cost of the petition in favour of the petitioner.”*

4. In the synopsis of the present petition, the Petitioner has mentioned various other writ petitions which he had filed on similar grounds and certain orders were also passed in the said writ petitions. However, none of the orders of those writ petitions have been revealed before this Court or attached with the petition.

5. In fact, Id. Counsel for the Respondents– NDMC submits that there are three writ petitions, one contempt petition and one other petition under Article 32 of the Constitution of India, filed by the Petitioner before the Supreme Court and the orders in those matters have not been placed before this Court,



except the order of the Supreme Court dated 6th March, 2025, passed in *Writ Petition (Civil) No. 188/2025* titled *Suresh Babu v. The Govt. of NCT of Delhi & Ors.*

6. He further submits that in the contempt petition filed by the Petitioner, i.e., *CONT.CAS(C) 323/2023* titled *Suresh Babu v. NDMC & Ors.*, this Court, *vide* order dated 06<sup>th</sup> April, 2023 held the conduct of the Petitioner to be completely unacceptable and the Court had imposed a cost of Rs.5,000/- each on the Petitioner as well as the counsel for the Petitioner. However, even this order has not been revealed by the Petitioner before this Court.

7. Mr. Madhuresh Kumar Mishra, Id. Counsel for the Petitioner, upon being queried about such concealment submits that he has no knowledge or response for the same. He submits that his senior, one Mr. Dilip Paswan, who is a lawyer practicing in Allahabad High Court asked him to file the present petition and upon such instructions, he proceeded with this case. Clearly, there has been complete suppression and concealment of material facts on behalf of the Petitioner in this case.

8. The details of the various writ petitions filed by the Petitioner which have been concealed from this Court are as under:

i. *W.P.(C) 5805/2017* titled *Suresh Babu v. New Delhi Municipal Council & Anr.* disposed of *vide* order dated 28<sup>th</sup> May, 2018, held as under:

**“We have heard the counsel for the parties. We see no reason to disbelieve the submissions made on behalf of the NDMC that the Sarojini Nagar Market has reached a saturation point. No additional person can be allowed to vend because of threat to life and property as in the past a tragic incident has taken place. Needless to say that in case the petitioners change their mind, they may approach the NDMC for grant of an**



**alternate site. Additionally, the petitioners may be at liberty to approach the TVC as and when it is constituted with all supporting documents. In case, the petitioners approach the TVC with supporting documents, the TVC would consider their case in accordance with law and also consider the fact that in the past they claim to have been vending in the Sarojini Nagar Market and if possible, may be accommodated in the same area.**

**With these directions, the writ petitions stand disposed of.”**

- ii. **W.P.(C) 9621/2018** titled **Kanchan Lal & Ors. v. NDMC & Ors.** disposed of vide order dated 14<sup>th</sup> September, 2018, held as under:

**“W.P.(C) 9621/2018**

1. The petitioners claim to be regular street vendors and are stated to be carrying out their vending activities at various sites as mentioned in the writ petition. Mr.Dharmender Sharma, counsel for the petitioners submits that the petitioners apprehend that post the formation of the TVC and the survey being conducted, the petitioners would be reallocated to different sites. Mr.Sharma further submits that the petitioners are duly verified vendors of the NDMC. In this backdrop, the following prayers have been made:

(a) Direct the Respondent no.1 and 2 for the issuance of certificate of vending (COV) to the petitioners on their respective given vending site after conducting survey in accordance with law.

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

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6. Accordingly, the present petition is disposed of with the following agreed directions:-

(a) The petitioners would approach the TVC as and when it is constituted with all supporting documents;

(b) The TVC will consider the case of the petitioners in accordance with law after taking into consideration all the material placed on record;



*(c) Merely because the petitioners are not found vending at the site when the survey is conducted, that by itself would not be a ground alone to reject their case.*

*7. We make it clear that we have not expressed any opinion on the merits of the matter and this order is being passed without prejudice to the rights and contentions of both the parties.*

*8. In above terms, the writ petition stand disposed of.”*

iii. **CONT. CAS(C) 323/2023** titled **Suresh Babu v. NDMC & Ors.**, disposed of *vide* order dated 06<sup>th</sup> April, 2023 held as under:

*1. This contempt petition has been filed alleging violation of the interim order dated 01.11.2012 passed by a coordinate Bench of this Court in W.P.(C) 5851/2012, the relevant portion whereof reads as under:*

*“Counsel for the petitioner submits that the name of the petitioner finds mention in the list of 628 successful vendors. Copies of various challans have been placed on record, which show that the petitioner has been carrying out his hawking activities at Sarojini Nagar Market. Counsel for the respondent seeks time to file counter affidavit. Let the counter affidavit be filed within six weeks. Rejoinder be filed within four weeks thereafter. Counsel for the petitioner presses for interim relief, as petitioner fears dispossession at the hands of the respondents. Since the name of the petitioner finds mention in the list of 628 persons, till the next date of hearing, petitioner shall not be dispossessed. This order is subject to variation at the instance of either of the parties.”*

*(Emphasis supplied)*

*2. It is averred in the petition that the Petitioner has been obstructed by Respondent No.2 from running the hawking shop at Sarojini Nagar Market, New Delhi (‘the vending site’). The learned counsel for the Petitioner states that *vide* order dated 01.11.2012, the Court had directed the Respondent authority not to interfere and dispossess the Petitioner from the vending site.*

*3. During the course of the hearing, the learned counsel for the Petitioner’s attention has been drawn to the proceedings*



recorded in order dated 16.03.2023 in this petition, wherein the Respondent has apprised this Court that the interim order dated 01.11.2012, which is the subject matter of compliance, stood vacated as the W.P(C) 5851/2012 was subsequently withdrawn by the Petitioner herein on 12.02.2013. The relevant portion of the order dated 16.03.2023 reads as under:

*"2. The learned counsel for Respondent No.1 states that the present petition is not maintainable and suffers from the vice of suppression. **She states that the Petitioner herein has withheld from this Court that W.P. (C) 5851/2012 has been disposed of vide order dated 12.02.2013 and it was disposed of since the Petitioner herein withdrew the said petition.** 3. **She states in view of the said withdrawal, the interim order dated 01.11.2012 which forms the basis of the present petition also ceased to exist.**"*

*(Emphasis supplied)*

4. The learned counsel for the Respondent reiterates that with the withdrawal of W.P(C) 5851/2012 by the Petitioner, the present contempt petition is not maintainable and also suffers from suppression of the said material fact.

5. The learned counsel for the Petitioner, in reply, contends that the Petitioner herein is not aware of the order dated 12.02.2013 whereby W.P(C) 5851/2012 was withdrawn. Further, the learned counsel states that even personally, the counsel has been unable to verify the existence of the order dated 12.02.2013 from the official website of Delhi High Court. 6. This Court has heard the learned counsel for the parties and perused the paper book. 7. At the outset, this Court deems it appropriate to reproduce the relevant portion of the order dated 12.02.2013 passed in W.P(C) 5851/2012, whereby the said writ petition has been dismissed as withdrawn by the Petitioner herein. The order dated 12.02.2013 reads as under:

*"1. In view of the order passed by the Supreme Court of India on 31.1.2023, **Mr. Anand Shailani, learned counsel for the petitioner, on instructions from Mr. S.K Tripathi, arguing counsel for the petitioner, submits that he does not wish to press present writ petition and application at this stage.***

***2. Accordingly, the writ petition and application stand***



**dismissed as not pressed at this stage.”**

*(Emphasis supplied)*

8. *The said order is currently available on the website of the Delhi High Court.*

8.1. *The interim order dated 01.11.2012 was granted in W.P.(C) 5851/2012 until 12.02.2013. However, on 12.02.2013, the writ petition itself was withdrawn. With the said withdrawal, necessarily, the interim order dated 01.11.2012 came to an end.*

8.2. *This petition, which was filed on 24.02.2023, alleging wilful disobedience of interim order dated 01.11.2012 is therefore misconceived and without any merit.*

9. *In addition, this Court is of the opinion that the Petitioner by not disclosing the order dated 12.02.2013 is guilty of suppression of material facts. The Petitioner by denying knowledge of the said order is further perpetuating his unfair and unreasonable stance. The Petitioner has thus, approached this Court with unclean hands.*

10. *This Court is also aghast with the submissions of the counsel for the Petitioner who as well persisted with arguing the petition by stating that he as well has been unable to personally verify the status of the pendency of the W.P. (C) 5851/2012 and the order dated 12.02.2013 from the Delhi High Court website. The submissions of the counsel as well are incredulous and cannot be countenanced by the Court.*

11. *This Court is of the opinion that the submission of the Petitioner and the counsel for the Petitioner are outrageous.*

11.1. *In view of the same, the present contempt petition is dismissed with costs of Rs. 5,000/- each payable by the Petitioner as well as the counsel for the Petitioner to Delhi High Court Legal Services Committee ('DHCLSC') within a period of two weeks from today.*

11.2. *The Petitioner and the counsel shall file a proof of the costs paid to DHCLSC before the Registry within a period of two weeks thereafter. It is directed that, if the Petitioner and the counsel default in making payment of the costs, the same shall be treated as contempt of court.*

12. *All pending applications, if any, stand dismissed.*



13. *List for compliance on 01.05.2023.*”

iv. ***W.P.(C) 13984/2024*** titled ***Suresh Babu v. Government of NCT of Delhi & Ors.*** disposed of *vide* order dated 04<sup>th</sup> October, 2024 held as under:

**“W.P.(C) 13984/2024 & CM APPL. 58500/2024 STAY  
Faced with the order dated 28 May 2018 passed on the  
petitioner’s own writ petition being W.P.(C) 5805/2017,  
learned counsel for the writ petitioner prays for and is  
accorded permission to withdraw the instant writ petition.  
Ordered accordingly.”**

v. ***Writ Petition (Civil) No. 188/2025*** titled ***Suresh Babu v. The Govt. of NCT of Delhi & Ors.*** disposed of *vide* order dated 6th March, 2025 held as under:

*“Learned counsel appearing on behalf of the petitioner seeks to withdraw the Writ Petition.  
2. Permission to withdraw the Writ Petition is granted.  
2. Accordingly, the Writ Petition is dismissed as withdrawn.”*

9. Except the order of the Supreme Court in ***Writ Petition (Civil) No. 188/2025***, none of the other orders passed in the several proceedings stated above have been disclosed before this Court.

10. In view thereof, the present writ petition is not maintainable and is liable to be dismissed due to suppression and concealment of material facts.

11. It is directed that the Registry shall ensure that if any other proceedings or writ petition is filed by the present Petitioner, the order passed by this Court today shall be put up before the said Bench so that the Court is fully apprised of the various orders passed in the various cases of the Petitioner.



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12. The petition is disposed of. Pending application(s), if any, also stand disposed of.

**PRATHIBA M. SINGH  
JUDGE**

**RAJNEESH KUMAR GUPTA  
JUDGE**

**APRIL 29, 2025**

*v/ss*