



2026:DHC:853-DB



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

Date of decision: 2nd February, 2026

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W.P.(C) 18845/2025

SURESH BABU

.....Petitioner

Through: Mr. Madunesh Kumar Mishra, Adv.

versus

GOVERNMENT OF NCT OF DELHI AND ORSRespondents

Through: Mr. Sriharsha Peechara, SC for
NDMC with Mr Soumit Ganguli, Ms.
Ravicha Sharma, Ms.Shruti Agarwal,
Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been through hybrid mode.

CM APPL. 78439/2025 (Exemption)

2. Allowed, subject to all just exceptions. Accordingly, the application is disposed of.

W.P.(C) 18845/2025 & CM APPL. 78438/2025

3. The present petition is one of multiple petitions filed by the Petitioner for the same relief in respect of the vending site located at Opposite to Shop No. 129, Sarojini Nagar Market, New Delhi-110023. It is the petitioner's claim that he has been squatting there since 1989.

4. The Petitioner's case in respect of the same vending site was earlier considered in *W.P.(C) 5488/2025* titled *Suresh Babu v. Govt. of NCT of*



Delhi and Ors. and *vide* a detailed order dated 29th April, 2025, the writ petition was dismissed. The said order is extracted hereunder for ready reference:

“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 28th 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 14th 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 06th 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 04th 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.

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

As can be seen from the above order, there was gross concealment by the Petitioner on which ground the Petition was dismissed after setting out all the past petitions filed by the Petitioner and the orders passed therein.

5. In the present writ petition, the previous orders have been filed however, the relief being sought is for a restraint order to the effect that the Petitioner ought not to be disturbed or dispossessed from his vending site.

6. Ld. Counsel for the NDMC has taken serious objection to the filing of the present writ petition, considering the past history of the litigation by this particular Petitioner. Further he submits that the survey in the Sarojini Nagar area is already completed and the TVC is now to take decision on finalising the vendors' list and issuance of certificates of vending.

7. The Ld. Counsel for the Petitioner, upon being queried, submits that the Petitioner has not participated in the said survey.

8. Under these circumstances, the relief as sought would not be liable to be granted.

9. The petition is accordingly dismissed. Pending applications, if any, are



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also disposed of.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

FEBRUARY 2, 2026*/ys/msh*