



\$~60

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

Date of decision: 22nd May, 2026

Uploaded on: 26th May, 2026

+ **W.P.(C) 7301/2026**

MOHD HUSSAIN (SINCE DECEASED) & ORS.Petitioners

Through: Mr. Sarfaraz Khan , Mr. Mirza Amir
Baig, and Mr. Wahid Mashaal, Advs.

versus

MUNICIPAL CORPORATION OF DELHI (NORTH) & ORS.

.....Respondents

Through: Ms. Puja s Kalra, Standing Counsel

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 35690/2026 (Exemption)

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

W.P.(C) 7301/2026

3. The present petition has been filed on behalf of various *tehbazari* holders who were dislocated in 2012 due to the construction of the Delhi Metro by the DMRC. The Petitioners had earlier filed *W.P.(C) 15989/2022* titled, *Mohd Hussain & Ors. v. Municipal Coporation of Delhi & Ors.* wherein vide a detailed judgement of the Court dated 6th November, 2023, the Coordinate Bench after considering the entire matter held as under:-

“9. Having heard learned counsel for the parties and having perused the record, it transpires that the petitioners were removed from their original Tehbazari site by way of notice dated 19th June, 2012 by the MCD, which reads as under:



"North Delhi Municipal Corporation
Office of the Assistant Commissioner,
City Zone, M.L.U.G. Car Parking, Asaf
Ali Road, New Delhi-110002

No. AC(CZ)/2012/6500

Dated: 19-06-2012

Notice

All the Kiosk holders and tehbazari holders in the Recruitment Centre, Azad Hind Market near Red Fort, Delhi are directed to vacate the land so that the possession of the land can be handed over the DMRC for their project. The tehbazaries will be shifted to another place on purely temporary basis. Further these tehbazaries will be shifted back at the same place after the completion of DMRC Project work, however, the feasibility of shifting back will be examined only after completion of Metro Work depending upon the availability of space.

You are, therefore, directed to vacate the land and handover the possession of the land to this department within 7 days.

Zonal Supdt.
City Zone"

10. Perusal of the aforesaid notice makes it clear that the petitioners and other similarly placed Tehbazari holders were shifted to another place for the purposes of the DMRC project. The said letter categorically records that the feasibility of shifting back the petitioners at the same place after completion of DMRC project work shall be examined only after completion of the metro work. Therefore, there is no vested right in the petitioners to be shifted back to the original site, as the same was conditional upon examining the aspect of feasibility of shifting back to the said site. Further, attention of this Court has been drawn to the letter dated 18th March, 2019 issued by the ASI, wherein it has been mentioned in clear terms that the site under reference falls within 300 meters of the Red Fort, which is a centrally protected monument and that allotment of Tehbazari in this area will create congestion. Thus, the ASI categorically stated in the aforesaid letter that it would not be appropriate to allot the Tehbazari site at Recruitment Office, Red Fort, Delhi. Accordingly, no case is made out by the petitioners for passing any directions by this Court for relocating them at the aforesaid site.

11. It is also noted that petitioner nos. 7 and 8 i.e. Dalbir Singh and Smt. Bimla Devi were petitioner nos. 3 and 4 in an earlier writ petition filed before this



*Court, being WP. (C) 516612019, **Kama-Rudin @ Kamruddin and others versus Municipal Corporation of Delhi and others.** The same was filed with similar prayer for relocating the said petitioners to the original Tehbazari site at Recruitment Office, Red Fort, Delhi. The said writ petition was disposed of vide judgment dated 16th May, 2019 by this Court thereby directing the petitioners therein to approach the Town Vending Committee ("TVC") with all supporting documents to seek an alternative site, including the site from where they were relocated.*

12. This Court also notes that the petitioners were removed from the Tehbazari site in question in the year 2012. As per the submissions advanced on behalf of the petitioners, they have not been allotted any alternate site since then. This Court also notes that majority of the Tehbazari holders who were removed from Recruitment Office, Red Fort, Delhi have been carrying out their business from Tehbazari sites at Meer-Dard Road.

13. In view of the aforesaid discussion, the petitioners are directed to approach the TVC with all the requisite documents. The TVC shall consider their representation for allotment of an alternate site at a feasible place, including an alternate site in the nearby vicinity of their original Tehbazari site."

4. As per the above judgement, the Petitioners were directed to approach the TVC with all the relevant requisite documents and a feasible alternate site was to be allotted to the Petitioners.

5. This decision was to be taken by Town Vending Committee-I (*hereinafter*, 'TVC-I'), however, due to various reasons, TVC-I has now been disbanded and TVC-II is yet to be constituted.

6. The Petitioners had filed a contempt petition being **CONT. CAS(C) 1750/2024** in which the MCD had filed a status report wherein they had stated that TVC-II would consider the case of the Petitioners at the appropriate stage.



The relevant portion of the said status report is also set out below:-

“9. That as per the above provision of Section 18, the TVC mandated for the purpose of relocation, allotment of site is yet to be constituted, as survey of the street vendors has not been completed so far. As a matter of fact, as on the date the subsequent TVC-II, which have to decide over allotment/relocation of tehbazari, is not constituted operational. Therefore, in the fitness of things, the competent authority has directed to keep all relocation letters issued after 17.09.2019 to be kept in abeyance. Upon operationalization of the subsequent TVC-II, this case may be placed before them for consideration of relocation.

10. That vide order dated 16 .04.2024 in W.P.(C) 54191/2024 & CM APPL. 22363-64/2024 titled as Balbir Singh Vs Municipal Corporation of Delhi in a similar matter, this Hon'ble High Court has directed that the petitioner is at liberty to participate in the survey, which this Court is informed will be conducted shortly. Needless to state that the same would be considered by the Town Vending Committee (TVC-II) at an appropriate stage.

11. That it is most respectfully prayed that the present contempt has no merits and is liable to be dismissed.”

7. The contempt petition was thereafter dismissed as withdrawn with liberty to initiate appropriate proceedings in accordance with law before the Court of competent jurisdiction/appropriate forum.

8. Now, the present writ petition has been filed by the same *tehbazari* holders and the prayer is for allotment of alternate *tehbazari* site.

9. The order in this regard has already been passed by the Division Bench of this Court in ***W.P.(C) 15989/2022*** and the decision now has to be taken by the TVC-II.

10. In certain matters being ***W.P.(C) 2243/2022*** & other connected matters



which were listed before the Court, the MCD has informed the Court that the timeline for the constitution of TVC-II has already been finalised. The same was presented before the Court and this Court has permitted the MCD to go ahead, and has already accepted the said timeline. Hence, the constitution of TVC-II has already been directed to be done by this Court in a time bound manner, vide order dated 19th May, 2026 passed in *W.P.(C) 2243/2022* & other connected matters in the following terms:

“8. *As per the status report, a timeline for the constitution of the TVC has been set out, which is as under:-*

S. No.	Task	Timeline
1	Issuance of Provisional CoVs as per SOPs	30.04.2026
2	Preparation of electoral rolls	15.05.2026
3	Elections of 23 TVCs after completing all formalities including notifications, nominations and results	30.06.2026
4	Constitution of TVCs	21.07.2026
5	After notification of TVCs by Delhi Government, all zones will finalize vending/non-vending zones and thereafter final CoVs will be issued	As per subsequent process

9. *Mr. Tushar Sannu, ld. SC, submits that, pursuant thereto, the issuance of provisional CoVs has been completed and the electoral roll for the members of the TVC has already been prepared. It is further submitted that the elections to the TVCs are scheduled to be conducted on 30th June, 2026, and the process for conducting the said elections is presently underway.*

10. *Further, it is also submitted that the TVCs ought to be constituted by 21st July, 2026, and all necessary*



steps are being taken in this regard.

11. Under these circumstances, since the MCD is now taking proper and time-bound steps for constitution of the TVCs, which would be the statutory mandate towards finalisation of vending plan and issuance of final CoVs, the present petitions are disposed of with the following directions:

(i) The MCD shall constitute the TVCs as per the timeline set out hereinabove;

(ii) Upon constitution of the TVCs, the TVCs shall undertake the verification of the survey list, and proceed in terms of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014;

(iii) While issuing final CoVs to verified and authorised street vendors, due consideration shall be given to factors such as the nature of vending, including whether the vendors ought to be categorized as mobile or stationary vendors. Factors such as vendors being persons with disabilities, vendors who are carrying on vending which cannot be mobile such as tailors and other relevant factors shall also be considered;

(iv) The Court notices that in a large number of matters, there are hardly any monetary payments being made by street vendors to the authorities such as the MCD and New Delhi Municipal Council. The concerned TVCs ought to take a decision as to what should be the monetary terms, for the purpose of issuing the CoVs;

(v) While carrying out their vending activities, the street vendors shall ensure proper cleanliness and hygiene is duly maintained. No permanent or temporary construction shall be constructed by the street vendors in and around their vends.

(vi) Until the TVC takes its final decision, none of the street vendors shall be disturbed or prevented from carrying out their vending activities, in accordance with the terms and conditions of the provisional CoVs.”



2026:DHC:4696-DB



11. Accordingly, it is directed that upon the TVC-II being constituted, the case of the Petitioners shall be considered expeditiously, and in any case, within three months from its constitution, in terms of the judgment dated 6th November, 2023 passed in in *W.P.(C) 15989/2022*.

12. The petition is disposed of in said terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MAY 22, 2026/prg/ss