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

Date of Decision: 5th November, 2026
Uploaded on: 6th November, 2026

\# **CNR No. DLHC010540092026**

\+ **W.P.(C) 16581/2026 & CM APPL. 77789/2026**

MUKESH KUMAR GUPTA .....Petitioner

Through: Ms. Meenakshi Joshi, Advocate with Petitioner in person.

versus

NEW DELHI MUNICIPAL COUNCIL .....Respondent

Through: Mr. Sriharsha Peechara Standing Counsel for NDMC with Mr. Dhruv Mohan, ASC, Mr. Soumit Ganguli Ms. Ravicha Sharma and Mr Akash Sharma, Advocates

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DINESH BHATT

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. The present petition has been filed by the Petitioner-Mukesh Kumar Gupta under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to allow the Petitioner to peacefully vend at his designated spot *i.e.*, Site bearing No. 120-T-04, *Fatta* No.7, Opposite Gate No.3, Palika Bazar, Connaught Place, New Delhi-110001.

3. The Petitioner is the son of late Shri. Kedari Lal who was allotted Site no. 120–T–04, *Fatta* No. 7, Opposite Gate No. 3, Palika Bazar in Connaught Place area for running the stall as a *vihangi*. The Petitioner's father was earlier

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running a stall for selling some food items, however, he thereafter, switched to readymade garments.

4. Late Sh. Kedari Lal had three children, *i.e.*, Sh. Mukesh Kumar Gupta, Sh. Dinesh Kumar Gupta and a sister, Smt. Rakesh Gupta. It is the case of the Petitioner that after the demise of his father, he made an application to the New Delhi Municipal Council (hereinafter, *'NDMC')* on 13th January, 2015 seeking transfer of the vend in his name, however, the said application has not been decided till date.

5. The apprehension of the Petitioner now is that he may be disturbed as he has not been included in the recent survey which has been carried out by the NDMC.

6. Ld. Counsel for the NDMC submits that the survey is already over and the Petitioner has not followed up with the NDMC about the transfer of the vend and even the death certificate of the father of the Petitioner was not submitted to the NDMC.

7. The Court has considered the matter. A perusal of the old possession slip dated 20th April, 1999 shows at this stage, *prima facie* that the Petitioner's case is a genuine case. The Petitioner is presently selling readymade garments, though in a bigger site which he is not permitted to do.

8. Ld. Counsel for the Petitioner relies upon the 'Letter of Recommendation' given under the *Pradhan Mantri Street Vendor's AtmaNirbhar Nidhi - PM SVANidhi scheme* to support his case.

9. The photographs placed on record show that the Petitioner is having a bigger vend, beyond what is permissible. However, since the Petitioner is one of the sons of the original vendor, the Petitioner deserves to be added in the survey list.

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10. Accordingly, let the Petitioner appear along with NOCs from his brother and sister before the Joint Director, Town Vending Committee on **18th November, 2026 at 2.30 PM.** The Petitioner shall produce all the documents to show the manner in which he claims rights in *Tehbazaari*. After verifying the documents, the name of the Petitioner shall be included in the survey list. If NOCs are not given by the siblings, then the name of the Petitioner shall be included in the survey list and the *Tehbazaari* shall be deemed to be in the joint name of the Petitioner and the sibling who does not give the NOC.

11. In the meantime, the Petitioner shall be allowed to peacefully vend till the final Certificate of Vending is issued by the Town Vending Committee-II, subject to the condition that the Petitioner shall keep the vend as per the permissible size of 6'x4'. The present order shall be subject to the final vending plan to be finalised by the TVC-II in terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

12. The writ petition is disposed of in above terms. Pending applications, if any, also stand disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

NOVEMBER 5, 2026/ss/ck

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