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

Date of decision: 1st October, 2026.

Uploaded on: 5th October, 2026.

CNR No. DLHC010477452026

+ **W.P.(C) 14697/2026 & CM APPL. 68758-59/2026**

DEVENDRA

.....Petitioner

Through: Ms. Ashtha Shrivastav, Mr. Ajay Pratap Singh, Mr. Rohit Pandey, Ms. Aryama Dubey, Mr. Hridyesh Singh, Mr. Adhyayan Gupta, Mr. Utkarsh Chauhan, Mr. Aditya Tiwari, Ms. Mahak & Ms. Tannu Agarwal, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL (NDMC)

& ANR.

.....Respondent

Through: Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha, Mr. M.S. Akhtar and Mr. Sanjeet Kumar Pawari, Advs. for R-3.

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-Mr. Devendra Kumar under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondents to consider and decide the representation of the Petitioner dated 15th April, 2016 and the subsequent reminder letter dated 26th May, 2016 for transfer of the *Pan Thara* license bearing EPID No. 0003758 in accordance with law.
3. The Petitioner has filed multiple writ petitions in respect of this very



vending site. The last writ petition was filed being **W.P.(C) 8005/2025 titled ‘Devendra v. New-Delhi Municipal Council & Anr.’** which was decided vide order dated 16th February, 2026.

4. The Petitioner’s kiosk was sealed on 11th July, 2018. The Petitioner had challenged the sealing by filing writ petition being **W.P. (C) 8328/2018** titled **‘Devendra v. New Delhi Municipal Council (NDMC) & Ors.’** wherein vide judgment dated 13th September, 2018, a Co-ordinate Bench of this Court directed as under:

“4. Having regard to the observations made by the Supreme Court of India in the case of Dharam Chand (supra), we are of the considered view that there is no illegality or infirmity in the order of sealing passed by the NDMC. However, we find that post the order of sealing, the NDMC has not made any alternate allotment to the legal heirs of the deceased. Learned counsel for the respondent/NDMC has clarified that the alternate allotment could not have been made on account of the ongoing fight between the legal heirs. Counsel further submits that the request for alternate allotment by the legal heirs of late Smt. Shyama Devi would be considered within a period of six weeks after considering the rival claims of Devender and Devi Prasad and any other person who asserts his/her right over the kiosk. However, we make it clear that we have not expressed any opinion with regard to the dispute and as to who would be surviving legal heir of late Smt. Shyama Devi. Needless to say that in case either of the two parties has produced documents in their support, an order would be passed after hearing both the sides and thereafter an alternate allotment would be made.”

5. Thereafter, as per the Petitioner, he submitted an application dated 9th October, 2018 regarding determination of legal heir of Smt. Shyama Devi i.e.,



the original owner, However, NDMC vide order dated 14th February, 2019 cancelled the license of the Petitioner under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The Petitioner challenged the same in **W.P.(C) 5312/2019 titled ‘Devendra v. New Delhi Municipal Council & Ors.’** wherein the New Delhi Municipal Council (hereinafter, ‘NDMC’) was initially directed to decide the application of the Petitioner for mutation. Thereafter, vide order dated 20th March, 2025, **W.P.(C) 5312/2019** was disposed of in the following terms:

“3. The present writ petition has been filed challenging the order dated 14th February, 2019, wherein, the application of the petitioner for transfer/regularization of license of the Pan Thara, Opposite Gate No. B, Supreme Court, near College of Arts, Tilak Marg, had been rejected.

4. This Court notes that during the pendency of the present petition, a speaking order dated 23rd April, 2024, has been passed by respondent no.1 New Delhi Municipal Council (“NDMC”), wherein, it has been decided by the Deputy Director (Estate-01) NDMC, that since there are disputes regarding legal heirs of Late Smt. Shyama Devi, the order dated 14th February, 2019 of NDMC, still stands and the representation of the petitioner herein, regarding regularization of the subject Pan Thara in favour of the petitioner, has been rejected.

5. Accordingly, the present petition, along with the pending applications, stands disposed of with liberty to the petitioner to challenge the speaking order dated 23rd April, 2024, passed by the Deputy Director (Estate-01) NDMC”

6. The order dated 23rd April, 2024 passed by the NDMC came to be challenged in **W.P.(C) 8005/2025**. The said order dated 23rd April, 2024 refusing the mutation was upheld by this Court vide order dated 16th February,



2026 and the following observations were made:

“15. Heard. The stand of Mr. Devi Prasad clearly as per the counter affidavit filed in the earlier writ petitions is that he is the legal heir who is entitled to be substituted in place of his mother i.e., Ms. Shyama Devi. If either the Petitioner or Mr. Devi Prasad wants to seek transfer of the title under a partnership, they ought to jointly make an application to the NDMC, which has not been done in the present case.

16. Insofar as sealing is concerned, the same was already the subject matter of W.P.(C) 8885/2018 and W.P.(C) 8328/2018 which has been disposed of vide order dated 13th September, 2018. In the present case, the only question is in respect of whether the impugned speaking order is valid or not. The impugned speaking order records as under:

“The brief facts of the case are that

(i) In the year 1976, Smt. Shyama Devi was allotted a Piao at Akbar Road, New Delhi. In the year 1982-83, she was shifted by the Civil Engineering Department of the NDMC to a Model Pan Thara, in lieu of the Piao operated by her, i.e., the subject Pan Thara and since then she was running the business in the subject Pan Thara.

(ii) With the approval dated 08.07.1985, given by the then administrator, the subject Thara was regularized from the date of allotment of site in 1976 at a nominal fees of Rs.75/-.

(iii) A writ petition being WP(C) No. 10998/2017 was filed by Sh. Devi Prasad claiming himself to be the sole Legal Heir of allottee Smt. Shyama Devi.

(iv) As per record a request dated 09.10.2017 was also received from the petitioner (Devendra) claiming himself to be the grandson of the allottee Smt. Shyama Devi being the son of her son namely Sh. Praveen



requesting for transfer of the subject Pan Thara on legal heir basis after the demise of the allottee on 13.07.2017.

(v) Accordingly personal hearings were given on various dates to Sh. Devendra Kumar i.e., present petitioner and one Sh. Devi Prasad i.e., petitioner in the writ petition being WP(C) No. 10998/2017. Both the claimants filed their respective representations alongwith bulky record alleging the claim of each other to be false.

(vi) The subject Pan Thara was inspected on 06.02.2018 by the then Jt. Director (Estate-I) alongwith Sh. Manoj Kumar Junior Assistant (Estate-I) and Sh. Kabir Saini (Clerical Assistant (Estate-1)). The petitioner was found present in the subject Pan Thara.

(vii) After perusal of the records filed by both the claimants it is revealed that the allottee Smt. Shyama Devi was survived by number of legal heirs.

(viii) The allottee and her family members were involved in multiple litigations since at least 1999 and have also filed number of police complaints against each other. Whereas, in compliance of the order dated 02.01.2018 passed in writ petition being WP(C) No. 10998/2017 the representations of the both the claimants were considered and an opinion was sought from the Law Department of NDMC on 08.06.2018. The Law Department informed about the judgment dated 29.07.2015 in the case of Dharam Chand Vs. Chairman NDMC and accordingly, the subject Pan Thara was sealed on 13.07.2018. Aggrieved by the said sealing Sh. Devendra filed WP(C) No.8328/18 & Sh. Devi Prasad also filed



WP(C) No. 8885/18.

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While, Devendra, petitioner herein, claims to be the grandson of the original allottee i.e, late Smt. Shyama Devi and her legal heir, and his claim is disputed by Sh.Devi Prasad (Respondent No.3 herein), who claims to be the sole surviving son of late Smt. Shyama Devi and has filed his counter affidavit before this Hon'ble Court. In fact, in his counter, he (Sh. Devi Prasad) has claimed that Devendra and Sh . Praveen Kumar (Respondent No. 4) are hand in gloves with each other. Since, the policy dated 16.08.2016, specifically states that if there are disputes between the legal heirs, and which are not settled within 90 days of issuance of the circular, the license will be automatically be cancelled.

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In that light, since , there are disputes regarding who is the legal heirs of late Smt.Shyama Devi , the order dated 14.02. 2019 of NDMC still stands and the representation of Sh. Devendra is rejected accordingly.”

17. As can be seen from the impugned speaking order, the claims of Mr. Devi Prasad and Mr. Devendra i.e., the Petitioner herein are conflicting with each other and the NDMC cannot be blamed.

18. It is for the legal heirs to sort out their inter-se differences and then approach the NDMC which unfortunately, they have not done for the last several years. If the disputes are not getting resolved, the Petitioner ought to avail of his legal remedies and obtain a decree of declaration in accordance with law. In the absence of the same, the Kiosk cannot obviously be transferred to the Petitioner.

19. In view thereof, there is infirmity in the impugned speaking order dated 23rd April, 2024.



20. The petition is accordingly dismissed. All pending applications, if any, are disposed of.

21. Needless to add, if the Petitioner has any other legal remedies in respect of inter-se disputes, he is free to avail of the same and thereafter approach the NDMC, if permissible in law.”

7. It is the case of the Petitioner now that an MoU has been entered into between the family members. The said MoU is dated 14th March, 2026 between Mr. Devendra, Mr. Praveen Kumar and Ms. Devi Prasad. There are various litigations which are stated to have been pending between the parties. It is recorded therein that Mr. Devi Prasad and Mr. Devendra have signed the MoU. However, there is no signature by Mr. Praveen Kumar.

8. Ld. Counsel for the NDMC now submits that the NDMC has decided to take action under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 for eviction of the Petitioner.

9. Under these circumstances since, the MoU is not duly signed by all parties, no directions can be issued and no relief can be granted in favour of the Petitioner.

10. Petition is accordingly dismissed. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

OCTOBER 1, 2026
dj/ck