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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. DLHC010522292023

+ **W.P.(C) 16049/2023, CM APPL. 64549/2023**

MR. RAJEEV CHABRA

.....Petitioner

Through: Mr. M. M. Kashyap, Adv.

versus

MUNICIPAL CORPORATION OF
DELHI & ANR.

.....Respondents

Through: Ms. Shilpa Ohri, Adv. with Dr. Rajeev
Nayan, Assistant Commissioner,
Karol Bagh.

Mr. Naved Alam, Chief Licensing
Insp., Karol Bagh.

Mr. Anubhav Gupta, Panel Counsel
and Ms. Rashi Aggarwal, Advs, for
GNCTD.

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 under Article 226 of the Constitution of India, *inter alia*, seeking the following prayers:

“a. To allow the petitioner to carry on trade at her present squatting site Chief Silk Store, Hardhyan Singh Road, Corner, Karol Bagh, New Delhi- 110005 till the possession of allotted site at 10/30 wall of Police Station Karol Bagh Delhi given to the petitioner.

b. To the petitioner should be given possession of his



allotted site at 10 / 30 wall of Police Station Karol Bagh Delhi with immigrate effect.”

3. The brief background of the present case is that, the Petitioner claims that, an open *tehbazari* site, measuring 6' x 4', No.66(old) New No.11, category 'A', situated at Azmal Khan Market, Opposite Bhasin Crockery, Karol Bagh, New Delhi-5 (*hereinafter*, '*the subject site*') was allotted to one Mr. Diwan Chand Arora.
4. Mr. Diwan Chand Arora, is stated to have passed away on 22nd September, 1994. His wife, Mrs. Mahinder Kaur had obtained No-Objection Certificates from the other legal heirs, and had applied for the mutation of the subject site in her name.
5. Thereafter, Sale Purchase/Power of attorney documents are stated to have been executed on 30th October, 2000, by Mrs. Mahinder Kaur. The *Teh bazari* site is alleged to have been transferred in favour of Shri Rajeev Chhabra, the Petitioner herein.
6. The Petitioner's case is that in order to obtain the mutation of the subject site in his favour, the Petitioner has repeatedly approached the Municipal Corporation of Delhi (*hereinafter*, '*MCD*'). However, the MCD has not acceded to his request. Hence, the present petition.
7. The prayer of the Petitioner is that he be permitted to carry on trade at the present squatting site opposite Cheap Silk Store, Hardyal Singh Road Corner, Karol Bagh, New Delhi-110005 (*hereinafter*, '*present squatting site*').
8. Further, the Petitioner also seeks that he should be given possession of the subject site.



9. The stand of the Petitioner is that the mutation of the subject site was approved in his favour *vide* mutation letter dated 24th May, 2010 bearing No. 446/AO/KBZ/2010, issued by the MCD (hereinafter, 'the mutation letter'). Pursuant to the mutation letter, the MCD had also accepted a sum of Rs. 1,00,000/-, as fee for the same.

10. On the other hand, the stand of the MCD is that, as per the available records of the MCD, Mr. Diwan Chand Arora was the allottee of the subject site.

11. As per the status report dated 31st July, 2026, on behalf of the MCD, it is stated that, as per the available records, neither the details of the mutation nor the mutation file in favour of the Petitioner is available.

12. The claim of the Petitioner is that *vide* the mutation letter, the mutation was approved. However, as per the status report dated 31st July, 2026, the MCD has contended that the said letter is not traceable and is not available in the records.

13. In fact, letters exchanged between the MCD and its own department, dated 7th June, 2024 and 4th July, 2024, are annexed with the status report, as per which it is stated that the mutation letter is not traceable. The letter dated 7th June, 2024 is set out below:



MUNICIPAL CORPORATION OF DELHI
OFFICE OF ASSISTANT COMMISSIONER
KAROL BAGH ZONE
NIGAM BHAWAN, D.B. GUPTA ROAD
NEW DELHI-110005

400-100
75
Azadi Ka
Amrit Mahotsav

No. 7452 / AC / KBZ/2024

Dated - 07/06/2024

Sub: - Handed over the mutation file of tehbazari site No.10/30, measuring '6x4' (open to sky) situated at wall of PS Karol Bagh.

A matter titled as Rajeev Chhabra Vs. MCD (WPC No.16049/2023) pending before the Hon'ble High Court Of Delhi. Sh. Rajeev Chhabra produced a copy of mutation letter alongwith mutation receipt in his name of tehbazari site No. 10/30 at wall of Police Station Karol Bagh, '6x4' open to Sky in the Hon'ble High Court of Delhi. The concerned LI-83 informed that as per D&C register the detail of mutation is neither entered in D&C register nor the mutation file is handed over by the predecessor.

On scrutiny of the mutation documents produced by Sh. Rajeev Chhabra it is observed that the mutation file was handled by you.

In this connection you are directed to hand over the relevant file at the earliest to the concerned LI-83/KBZ.


Administrative Officer
Karol Bagh Zone

Sh. Naved Alam, ASO
Gen. Branch, Karol Bagh Zone

14. The relevant portion of the status report on behalf of the MCD insofar as the mutation letter is concerned is as under:

"...5. That in order to examine the claim of the petitioner the relevant file in respect of mutation was sought however the same is not traceable as such a letter vide no. 7452/AC/KBZ/2024 dated 07.06.2024 had been issued to the concerned LI/KBZ (at the time of alleged mutation) to handover relevant mutation file. However, he has informed that the mentioned file is not in his



custody as the same had been given to the concerned RC/KBZ for issuing final mutation receipt and entry in the D&C Register. The copy of the letter dated 07.06.2024 and reply of concerned LI/KBZ are annexed herewith as Annexure-A (colly).

6. That a letter vide no. 7641/AC/KBZ/2024 dated 04.06.2024 had also been written to Sh. Rajeev Chabra, Petitioner to submit the mutation related documents including Sale Purchase documents in respect of Tehbazari Site No. 10/30 at Wall of Police Station Karol Bagh, Delhi. The copy of the letter dated 04.06.2024 is annexed herewith as Annexure-B.

7. That in response to letter dated 04.06.2024, a reply vide diary no. 5855 dated 18.07.2024 had been received from the petitioner vide which he submitted documents in support of mutation and Sale Purchase of claimed Tehbazari site. The copy of reply alongwith documents is annexed herewith as Anenxeure-C (colly)."

15. It is the stand of the MCD that, upon scrutinizing the documents filed by the Petitioner claiming rights over the subject site, it was found that, the Power of Attorney and the sale/purchase documents incorrectly mentioned the site as being opposite to Cheap Silk Store.

16. Further, it is also contended by Id. Counsel for the MCD that the mutation letter does not mention the correct measurement of the subject site. It is also submitted that the said letter appears to be forged and that there are no proper sale and purchase documents. Relevant portions of the status report of MCD are extracted below:

"9. That from the above stated facts and documents it is clear that Tehbazari Site No. 10/30, measuring 6x4 open to sky at Wall of Police Station Karol Bagh had been



allotted to Sh. Diwan Chand Arora whereas the Sale Purchase between Smt. Mahinder Kaur and Sh. Rajeev Charbra have been conducted for another site no. site bearing no. 66 (Old), New No. 11, Category "A" situated at Ajmal Khan Market opposite Bhasin Crocary, Karol Bagh, New Delhi on 30.10.2000.

10. That it appears that no Sale Purchase was executed between Mahinder Kaur and Rajeev Chabra for Tehbazari Site no. 10/30, measuring 6x4 open to sky at Wall of Police Station Karol Bagh for which mutation documents have been submitted by the petitioner. It seems that either the mutation done in 2010 was executed with the forged documents or mutation letter is forged for which no sale purchase was executed. Therefore, the claim, of the petitioner is not maintainable and subject to further investigation."

17. Heard the Id. Counsels for the parties. The primary basis on which the Petitioner claims rights in the subject site is the mutation letter dated 24th May, 2010, which is extracted as under:



Annexure P-10

(71)

MUNICIPAL CORPORATION OF DELHI
(Office of the Administrative Officer)
Karol Bagh Zone

'Nigam Bhawan',
D.B. Gupta Road,
Anand Parbat, Karol Bagh,
New Delhi-110 005.

No: 446/AO/KBZ/2010

Dated: 24/5/10

Subject: Regarding change of hands measuring 6'X4' at 10/30, Near wall of Karol Bagh, Police Station, New Delhi-05.

In continuation of this office letter No. 433/AO/KBZ/2010 dated 19.05.2010 on the subject mentioned above vide which you were requested to deposited the required dues for change of hands. You have deposited the required fee vide G8 receipt No.70383 dated 19.05.2010 in the Municipal treasury. The above mentioned tehbazari case has been considered for change of hands of the above mentioned tehbazari in the name of Rajeev Chhabra S/o Sh. Madan Lal Chhabra has been approved instead of Sh. Diwan Chand S/o Sh. Sai Dass Arora in accordance to Circular No. CL&HC/FTR/2009/532 dated 09.10.2009.

You will have to follow up all the terms and conditions of the tehbazari rule if violated, action will be taken as per rule.

This issue with the prior approval of the Competent Authority.

Rajeev Chhabra
Sh. Rajeev Chhabra,
S/o Sh. Madan Lal Chhabra,
R/o 6-B/28, Ramesh Nagar,
New Delhi

[Signature]
24/5/10
Administrative Officer
Karol Bagh Zone

Copy to: CSB/11 with the directions to make necessary change in the PCO Booth Tehbazari 1304/5 and open this demand in the name of Sh. Rajeev Chhabra S/o. Sh. Madan Lal Chhabra instead of Sh. Diwan Chand S/o. Sh. Sai Dass Arora.

[Signature]
24/5/10
Administrative Officer
Karol Bagh Zone

r.c.k

18. This mutation letter is not being accepted by the MCD as a genuine letter. As regards the persons who have signed the said letter, it is not clear as to who has signed the letter, nor is it clear as to when and in what manner the



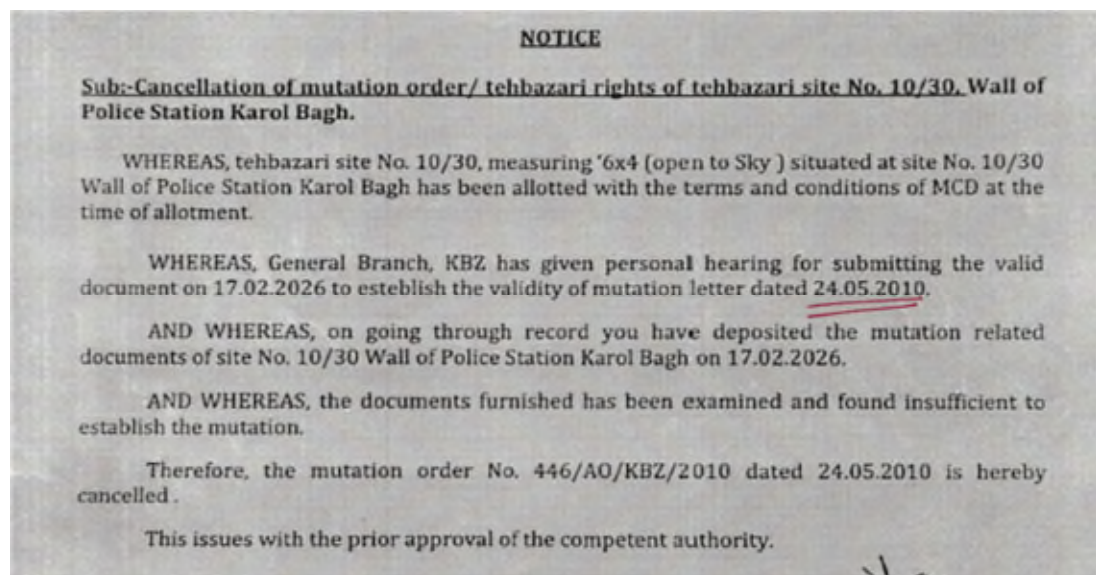
said letter was issued. The documents which are claimed to be the basis for the rights of the Petitioner are a Power of Attorney, purportedly signed by Smt. Mahinder Kaur (wife of Late Diwan Chand Arora).

19. In the light of the documents filed on record and the objections raised by the MCD in the present petition, in the present writ petition, the disputed questions of fact cannot be gone into, and the genuineness of these documents also cannot be gone into.

20. There is no doubt, in similar matters, *Tehbazari* holders have been permitted to carry on their trade till the allotment of the alternate site at the Police Station wall, Karol Bagh.

21. However, in the present case, since the documents themselves are disputed and the letter relied upon by the petitioner is also disputed by the MCD, the matter cannot be decided in a writ petition.

22. Finally, the mutation letter has also now been cancelled *vide* order dated 27th April, 2026 passed by the MCD. The said order is set out below and is taken on record:





23. Under these circumstances, the relief sought by the petitioner cannot be granted. The petitioner is free to avail of any civil remedy, if so available, in accordance with law.

24. Accordingly, the present petition stands disposed of. Pending application, if any, also stands disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

OCTOBER 1, 2026/dk/sm