



\$~76

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 3rd September, 2026Uploaded on: 5th September, 2026

CNR No. DLHC010415862026

+ W.P.(C) 12837/2026

DEEPAK MISHRA

.....Petitioner

Through: Mr. Bharat Aggarwal, Adv.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents

Through: Ms. Shobha Gupta, Adv. for NDMC.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 59640/2026 (for exemption) & CM APPL. 59641/2026 (for exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(C) 12837/20263. The present petition has been filed by Mr. Deepak Mishra, son of Late Mr. Jagat Dev Mishra, claiming to be one of the legal heirs of Smt. Kabootri Devi, who was one of the old *tehbazari* license holders.4. The case of the Petitioner is that the name of the Petitioner's father appears in the list of old *tehbazari* holders as prepared by the NDMC, at serial no. 64 with *tehbazari* site no. N-77. According to ld. Counsel for the Petitioner the survey of the old *tehbazari* holders is presently being done by



the NDMC but he is not being allowed to participate in the Survey. The prayer therefore is for directions to the MCD to allow him to participate in the survey.

5. Ms. Gupta, Id. Counsel appearing for the NDMC submits that the Petitioner has made a representation just last week *i.e.*, on 24th August, 2026 and the same will be considered as per law.

6. The Court has considered the matter. A list of the *tehbazari* holders, as prepared by NDMC, gives the following description of the subject *tehbazari* site:

64	N-77	Sh.Jagat Mishara and Sh.Satya Dev S/o Late Smt.Kabootri Devi	4x4	Gate No-3&4, Palika Bazar	Palika Bazar
----	------	--	-----	------------------------------	-----------------

7. In addition to the above, the Petitioner has also placed on record the order dated 6th March, 2014 passed by the NDMC in respect of transfer/regularization of the subject *tehbazari* site No. N-77. A perusal of the same, along with the list extracted above, would show that the *tehbazari* license/permission was transferred in favour of the sons of Smt. Kabootri Devi *i.e.*, in the joint name of Mr. Jagat Dev Mishra and Mr. Satya Dev Mishra.

8. The Petitioner is the son of Mr. Jagat Dev Mishra. The said Mr. Jagat Dev Mishra also had four other children apart from the Petitioner. In respect of the same, the Petitioner relies upon various no objection certificates and affidavits given in his favour, to claim rights to the subject *tehbazari* license.

9. On a consideration of the matter, and the perusal of the record, it becomes clear that the subject *tehbazari* license is the joint license of Mr. Satya Dev Mishra and the Petitioner's father *i.e.*, Mr. Jagat Dev Mishra. However, this writ petition has been filed by only one legal heir of Mr. Jagat



Dev Mishra and no permission from Mr. Satya Dev Mishra has been placed on record.

10. Under these circumstances, the permission to participate in the survey cannot be granted in this manner.

11. In the opinion of the Court, it is for the NDMC to examine the record of the Petitioner and proceed in accordance with law in the survey which is being presently conducted. If the Petitioner produces any No Objection or affidavit of Mr. Satya Dev Mishra, the MCD shall verify the same and then decide the representation accordingly.

12. All rights and remedies of parties are left open.

13. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 3, 2026

dj/msh