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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 17th September, 2026

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CNR No. DLHC010442262026

+ W.P.(C) 13631/2026 and CM APPL. 63651/2026

BALBIR SINGH

.....Petitioner

Through: Mr. Ankit Singh Sinsinwar & Mr. Ravi Kumar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Namrata Mukim, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Balbir Singh under Article 226 of the Constitution of India, *inter alia*, seeking issuance of an appropriate writ directing the Respondent- Municipal Council of Delhi (hereinafter, 'MCD') to include the name of the Petitioner in the survey that is ongoing for the old *Tehbazari* licence holders. Further, the Petitioner prays for an alternate site till the Town Vending Committee-II (hereinafter, 'TVC-II') takes a decision on the vending plan.
3. Previously, in ***W.P.(C) 5419/2024*** titled ***Balbir v. Municipal Corporation of Delhi***, *vide* order dated 16th April, 2024, the entire factual background of the Petitioner has been captured and the same is extracted



below:

“4. The petitioner had filed the aforementioned writ petition being W.P(C) 10361/2023 captioned Balbir Singh v. Municipal Corporation of Delhi, which was disposed of by an order dated 24.11.2023.

5. The petitioner was evicted from the Tehbazari site occupied by him which was described as Stall no.26, located at Recruitment office, Red Fort, Delhi (hereafter the Tehbazari site) and had not been allocated any alternate site. The petitioner had made a representation in this regard to the respondent, Municipal Corporation of Delhi (hereafter the MCD) seeking an alternate site. In terms of the order dated 24.11.2023, this Court had directed the MCD to consider the petitioner’s representation along with the document after affording the petitioner an opportunity to be heard.

6. The said order was not complied with and the petitioner filed a contempt petition. However, thereafter the MCD heard the petitioner and disposed of the representation in terms of the impugned order.

7. It is the petitioner’s case that he had purchased the Tehbazari site from one Mr. Salimuddin in the year 1988 and has been carrying on the vending activities from the said site since then. The petitioner has also applied for mutation of the said site in his favour, however, the same was not granted.

8. It is the petitioner’s case that in terms of the prevalent policy, all persons who purchased tehbazari sites from original allottees prior to the year 1993 are entitled to mutation of the respective sites in their names. The petitioner claims that he is entitled to the benefits of the said policy and, therefore, the Tehbazari site allotted to the Salimuddin is required to be mutated in his favour.

9. It is material to note that the petitioner was evicted from the said site in the year 2000 and had filed a petition being C.W.P. No.3135/2000 captioned Om Prakash Choudhary & Ors v. MCD, along with three other petitioners before this Court. The said petition was



disposed of by this Court by an order dated 02.09.2002, whereby this court had directed the petitioners to apply to the MCD for Tehbazari rights within a period of two weeks from the said date. This Court further directed the MCD to consider the applications in terms of its scheme for allotment including the circular dated 09.09.1999 and to take a decision within a period of eight weeks thereafter. The operative part of the said order is set out below:

“In view of aforesaid, I consider it appropriate to direct the petitioners to apply to the respondent-Corporation for tehbazari rights within a period of two weeks from today. Respondent-Corporation will consider the applications in terms of its scheme for such allotment including circular dated 9.9.1999 and take a decision on the same within a period of eight weeks thereafter.”

10. The petitioner states that, although, he had applied to the MCD for allotment of a tehbazari site in terms of the order dated 02.09.2002, but the MCD had not complied with the said directions. Learned counsel appearing for the petitioner, however, concedes that the petitioner did not raise any grievance in this regard for the last one decade as he states that the petitioner was peacefully vending from the site.

11. Thus, the question whether the petitioner is entitled for mutation/allotment of the tehbazari site, on account of having purchased the same from Salimuddin, has not been determined as yet.

12. In the meanwhile, the tehbazari sites at Recruitment office, Red Fort, Delhi were demolished in the year 2012 on account of Delhi Metro Rail Project.

13. In view of the above, the question of mutating the site allotted to Salimuddin in the name of the petitioner does not arise.

14. Having stated above, it is necessary to observe that the petitioner may be entitled to seek allotment of an



alternate tehbazari site on the ground that the site purchased by petitioner has been demolished and he is the successor-in-interest of Salimuddin.

15. However, the question whether the petitioner is so entitled cannot be determined by the TVC or MCD at this stage. The allotment of sites can now be considered in accordance with a vending plan to be prepared under Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, which has not been formulated as yet.

16. The impugned order indicates that the decision regarding shifting and allotment of tehbazari/hawking sites would fall within the scope of functions to be performed by Town Vending Committee-II (TVC-II), which would be constituted with the participation of street vendors.

17. In terms of Section 21 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014, the MCD is required to prepare a vending plan in consultation with the Town Vending Committee. The question of allocating fixed sites to various street vendors can be considered only by the preparation of the vending plan.

18. In view of the above, we find no infirmity with the decision of the MCD that the petitioner's entitlement to an allotment of a Tehbazari site be considered after constitution of the TVC-II. It is important to note that the petitioner's representation has not been disposed of but kept pending for consideration by the TVC-II as and when constituted.

19. In the aforesaid circumstances, we consider it apposite to dispose of the present petition by directing that the petitioner's representation be considered by the TVC-II as and when constituted.

20. In the meanwhile, the petitioner is at liberty to participate in the survey, which this Court is informed will be conducted shortly. The petitioner would also be entitled to furnish all documents and material to



establish that he was carrying on vending activities and had acquired the Tehbazari site from Salimuddin. Needless to state that the same would be considered by the Town Vending Committee (TVC-II) at an appropriate stage.”

4. As can be seen from the above order, the case of the Petitioner is that he had acquired rights in the *Tehbazari* licence from one Mr. Salimuddin and his representation for mutation had not been considered by the MCD. The Court *vide* the said order had directed that the representation of the Petitioner be considered in terms of order dated 24th November, 2023 passed in ***W.P. (C) 10361/2023*** titled '***Balbir v. Municipal Corporation of Delhi***'. However, since the directions passed in ***W.P. (C) 10361/2023*** were not complied, the Petitioner had also filed a contempt case being ***CONT. CAS(C) 335/2024*** titled '***Balbir Singh v. Sh. Gyanesh Bharti***'. After the said contempt was filed, a speaking order was passed by the MCD dated 26th March, 2024 which reads as under:



**MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DEPUTY COMMISSIONER
CITY-SADAR PAHAR GANJ ZONE**

NIGAM BHAWAN, KASHMERE GATE, DELHI-110006



No.AC/C-SPZ/MCD/2024/D-1390

Date:- 26/09/2024

SPEAKING ORDER

Subject: Speaking order in compliance of order of Hon'ble High Court of Delhi, New Delhi in respect of Cont. Cas(C)No. 335/2024 passed in WPC No. 10361/2023 dated 24.11.2023.

This is with regard to **Cont. Cas(C)No. 335/2024 dated 27.02.2024** titled **Balbir Singh Vs Municipal Corporation of Delhi** in which the Hon'ble Court has ordered the following:-

"5. Recording the undertaking given by the learned counsel appearing for the respondent, the respondent is held to be bound by the aforesaid undertaking. It is directed that a speaking order shall be passed by the respondent after giving due hearing to the petitioner, within a period of four weeks from today". (Flag - 'A')

Whereas, it has been found that:-

1. As per available record, the site bearing No. 3259 is in the name of Mr. Salimuddin and this site i.e. 3259 is not in the name of Mr. Balbir Singh.
2. The tehbazaries situated at Recruitment Office, Red Fort were demolished due to Metro Project in the year of 2012 and relocated from Recruitment Office, Red Fort to Mori Gate Gole Chakkar. This site bearing No. 3259 measuring 6'x4' in the name of Sh. Salimuddin S/o Snjeo Ahmed was also demolished.
3. A meeting of Town Vending Committee was held on 14.12.2023 under the chairmanship of Deputy Commissioner, City S P Zone and therein it was decided that:-

"As per provision of section 18, the TVC mandate the purpose of relocation, allotment of site is still to be operationalized as the survey of the street vendors has not been completed so far. The shifting/ relocation of tehbazari is under the purview of TVC-2. Therefore, the committee was of the view that Sh. B.L. Saini and other similar matters related to relocation/ shifting of tehbazaries may be placed before the subsequent TVC to be formed"

4. The Town Vending Committee-2 is yet to be formulated/functional.
5. The notification regarding formulation of the other Town Vending Committee is still to be issued by Govt. of NCT of Delhi.
6. Currently Town Vending Committee-1 is functional and all the decision, regarding shifting/ allotment of new tehbazari/ hawking will be under the purview of Town Vending Committee-2
7. After formulation of other Town Vending Committee-2, the representation of Sh. Balbir Singh subject to mutation along with all details will be placed before this Committee for appropriate decision.

**Administrative Officer
City-SP Zone, MCD**

**Sh. Balbir Singh S/o Sh. Sardar Singh,
H.N. 224, Village Pooth Kalan, Delhi-110086**

5. This speaking order was challenged in **W.P.(C) 5419/2024**. In the operative portion of the said order extracted above, the directions given are to the following effect:



- i) That the Petitioner's representation should be considered by TVC-II as and when constituted; and
 - ii) That the Petitioner is given liberty to participate in a survey which was to be conducted and that he would furnish all the documents and material to show that he was carrying on vending activities which would be considered by the TVC-II.
6. It is a matter of fact that the elections to the TVC-II have now been conducted by the MCD and the TVC-II is at an advanced stage of being constituted.
7. Secondly, the survey of the old *Tehbazari* holders is also presently being conducted pursuant to the stand of the GNCTD to whom the vending plan had been submitted by the MCD.
8. Accordingly, under these circumstances, the following directions are issued:
- a) The Petitioner shall be permitted to participate in the survey and produce all the documents to the surveyors during the time of survey;
 - b) Petitioner's name shall accordingly be included in the survey, if all the documents are found in order;
 - c) The TVC-II after being constituted shall, within a period of three months take a decision on the mutation of the *Tehbazari* licence from Mr. Salimuddin to Petitioner – Mr. Balbir Singh;
 - d) Once the vending plan is finalized by the TVC-II, a site shall also be allotted, if the Petitioner is found eligible.



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9. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 17, 2026
Rahul/ck