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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 21st September, 2026Uploaded on: 24th September, 2026

CNR No. DLHC010386512026

+ W.P.(C) 11992/2026 and CM APPL. 55671/2026

NIRMALA GUPTA

.....Petitioner

Through: Mr. Akbar Kaleem and Mr. Samar
Gulrez, Advs.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Pritish Sabharwal, Adv.
Ms. Meherunnisa A. Jaitley, Mr.
Aryan Tyagi and Mr. Jaskeerat Singh,
Advs. for MCD.**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 – Ms. Nirmala Gupta under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Municipal Corporation of Delhi (*hereinafter*, ‘the MCD’) to issue a relocation letter and for allotment of *tehbazari* site to the Petitioner at the *Mata Sundari Marg*, Delhi.
3. The brief background of the Petitioner’s case is that, she claims to be the *tehbazari* holder of site bearing No. 3543, size 7x5, at, Bapu Market in front of Gandhi Maidan Parking, Chandni Chowk, Delhi (*hereinafter*, ‘the subject site’).
4. According to the Petitioner, the subject site was originally allotted to



one Shri. Inderjeet. However, *vide* letter dated 27th February, 2012, issued by the MCD, the subject site was transferred in the name of one Mohd Asad.

5. The Petitioner and Mohd Asad are stated to have entered into a partnership *vide* partnership deed dated 15th March, 2016. Thereafter, the said partnership was dissolved on 30th March, 2016.

6. Certain documents were executed by Mohd Asad in favour of the Petitioner on 30th March, 2016. It is the case of the Petitioner, that she is now the owner of the subject site.

7. Sometime in 2018, the *tehbazari* sites in Bapu Nagar market were demolished by the MCD, with the intent to shift the same to *Mata Sundari Marg*. Thus, Petitioner's case is that she is entitled to a new *tehbazari* site at Mata Sundari Marg, Delhi.

8. The prayer in this petition is for relocation of the Petitioner and for allotment of a new *tehbazari* site at *Mata Sundari Marg* in favour of the Petitioner, and for mutation of the earlier site in favour of the Petitioner.

9. Ld. Counsel for Petitioner submits that the subject site is, in fact, vacant, and the Petitioner is entitled to allotment of the same.

10. On the other hand, ld. Counsel for the MCD has relied upon the ***Circular bearing No. CL&EC/TTR/2009/532*** dated 9th October, 2009 issued by the MCD (*hereinafter, 'the circular'*).

11. It is submitted by ld. Counsel for the MCD that in the said circular, mutation of site was permitted only for transfers which have taken place prior to 6th February, 2007, in terms of the judgment of the Supreme Court in ***W.P.(C) 1699/1987*** titled '***Gainda Ram & Ors. v. MCD***' *vide* judgment dated 9th April, 2009.

12. Further, it is submitted by ld. Counsel for the MCD that the Scrutiny



Committee of the MCD, for the purpose of allotment of site at Mata Sundari Marg had scrutinised 100 files, out of which the file of Mohd. Asad was held to be ineligible for allotment of site at the Mata Sundari Marg. In this regard, reliance is placed upon the Minutes of the Scrutiny Committee titled *Shifting of tehbazaries of Bapu Market for Redevelopment/Reconstruction of Gandhi Maidan, MLUG Parking* dated 23rd April, 2018. The same is taken on record.

13. The Court has heard the Id. Counsel for the parties. Previously, Mohd Asad had filed ***W.P. (C) 13904/2025*** titled '***Mohd Asad v. Municipal Corporation of Delhi***', which was dismissed as withdrawn.

14. In the said writ petition, *vide* order dated 2nd February, 2026, this Court notes that the Petitioner therein *i.e.*, Mohd Asad, was not entitled for any alternate site at *Mata Sundri Marg*, due to gross concealment of facts.

15. The Petitioner herein, Ms. Nirmala Gupta, who is now stated to have acquired rights from Mohd Asad, has now approached the Court with the prayer that she be recognised as a valid *tehbazari* holder.

16. In terms of the circular, the transfer or sale or change of hand which has taken place after 6th February, 2007 would not be liable to be recognised.

17. The only ground which is relied upon by the Petitioner is that in 2012, the transfer/ change of hand was recognised by the MCD from Mr. Inderjeet to Mohd. Asad.

18. However, the stand of the MCD is that the said transfer document was prior to 6th January, 2007.

19. Upon a query to the Id. Counsel for the Petitioner, as to what was the date of the transfer document, no date has been given by the Id. Counsel for the Petitioner.

20. Insofar as the Petitioner herself is concerned, *vide* order dated 29th



April, 2022, the MCD has communicated to the Petitioner as under:-

“Sub: Intimation letter regarding rejection of request of applicant for Mutation/Change of hand of Tehbazari Site No. 3543 measuring '7X5' which was displaced from Babu Market, Chandni Chowk, Delhi-06.

It is intimated that as per recommendations of committee dated 06.12.2021 (after scrutinization of the documents submitted by the applicants for relocation) and subsequent approval of DC/CSPZ vide order dated 03.01. 2022, your request vide application dated 28.10.2021 for mutation of tehbazari Site No. 3443 measuring 7X5 which was displaced from Babu Market, Chandni Chowk, Delhi-06 has been rejected on following grounds.

1. Change of hand was carried out on 30.03.2016 which date is after the cut off date i.e. 06.02.2007 as per the CL&EC Deptt. circular dated 09-10-2009.”

21. In terms thereof, Petitioner’s application for mutation of the subject site has been rejected.
22. Under these circumstances, the date of the change of hand being post 6th February, 2007, the Petitioner would not be entitled to any relief.
23. The petition is accordingly dismissed in these terms. All pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**DINESH BHATT
JUDGE**

SEPTEMBER 21, 2026/MR/SM