
(2026) 08 DEL CK 4081

In the Delhi High Court, Principal Bench, New Delhi

Case No : W.P.(C) 1236/2026

Tahir

APPELLANT

Vs

Municipal Corporation Of Delhi

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Citation : (2026) 08 DEL CK 4081

Hon'ble Judges : Prathiba M. Singh, J;Vikas Mahajan, J

Bench : Division Bench

Advocate : Mr. Sudhir Kumar Ojha, Ms. Shilpa Ohri, Mr. Shishupa

Final Decision : Dismissed

Judgement

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner seeking directions to the Respondent for mutation of *Tehbazari* site no. 583, measuring 6 x 4 situated at Sewa Nagar Nallah, New Delhi (*hereinafter, 'the Tehbazari site'*) and for issuance of relocation letter to the Petitioner against the said *Tehbazari* site.
3. The case of the Petitioner is that he had purchased the *Tehbazari* site from its erstwhile owner, one, Mr. Kishan Chand. The documents that are alleged to have been executed in favour of the Petitioner are a General Power of Attorney dated 10th September, 2003, an Agreement to Sell dated 10th September, 2003, and a will dated 10th September, 2003, executed by Mr. Kishan Chand in favour of the Petitioner.
4. On the basis of these documents, the Petitioner applied to the MCD for transferring the *Tehbazari* site in his name *vide* a letter dated 15th February, 2019. It is also the case of the Petitioner that he had paid a sum of Rs. 65,000/- to the MCD as mutation fee.

5. Mr. Sudhir Kumar Ojha, Id. Counsel for the Petitioner submits that in light of the above stated circumstances, such a *Tehbazari* site can be mutated in favour of the Petitioner.

6. It is also vehemently urged by the Id. Counsel for the Petitioner that for other similarly placed persons, *Tehbazari* licenses have been mutated.

7. On the other hand, Ms. Shilpa Ohri, Id. Additional Standing Counsel for the MCD has placed a judgment dated 31st May, 2024 passed by this Court in ***Veerwati v. Municipal Corporation of Delhi & Ors, W.P.(C) 8113/2024***, wherein such mutation has been refused.

8. Moreover, the allegation of the MCD is that the Petitioner allegedly purchased the *Tehbazari* site in 2003 and is filing the present writ petition in 2026 – very belatedly. Hence, the same is barred by delay and laches.

9. Ms. Ohri, Id. Counsel, under instructions from Mr. Shishupa, Administrative Officer, MCD (Central Zone), submits that the Petitioner is not even vending at the present site.

10. It is thus stated that mere payment of Rs.65,000/- to the MCD in 2019 will not confer any rights on the Petitioner if the Petitioner had not been surveyed by the MCD and has not been found eligible.

11. Heard. In this case, the Petitioner has failed to place on record the challans of the predecessor Mr. Kishan Chand, who was stated to be the owner of the *Tehbazari* site, which the Petitioner claims to have purchased. Further, the survey of the MCD has also been completed and the TVC-2 is in the process of being constituted.

12. In ***Veerwati (supra)*** a Coordinate Bench of this Court, under similar circumstances held as under:

"2. The petitioner claims to be a street vendor who had purchased a tehbazari site admeasuring 4 feet x 6 feet Prem Nagar Nala, Subzi Mandi, New Delhi - 110003 (hereafter Tehbazari Site) from one Smt. Basanti Devi wife of Sh. Kishan. The petitioner claims that she continued to carry on her vending activities from the Tehbazari site during the years 2003 to 2009. She claims that she was removed from the Tehbazari site in the wake of Commonwealth Games, 2010, and thereafter not provided any alternate site, despite her continuously paying the requisite Tehbazari fees. In the given circumstances, the petitioner claims that an alternate site be allotted to her and the Tehbazari site be mutated in her name.

[...]

7. The question of mutation of a site in favour of the petitioner cannot be acceded to. Concededly, the petitioner was removed from the tehbazari site in the year 2009. It is more than fifteen years since her removal. In these circumstances, we cannot accede to the said prayer. However, we clarify that the petitioner's claim for allotment of an alternate site or the same site (tehbazari site) would be considered by the concerned TVC (TVC-II) at an appropriate stage."

13. Further, the Supreme Court, in ***Sudhir Madan v. MCD, (2007) 15 SCC 497***, while deciding upon several issues, including the issue of transfer of an allotted *Tehbazari* site, held as under-

*"14. In the case of death of an allottee the site may be allotted to one of his legal representatives who shall actually carry on the business at the site. In case there are more than one legal representatives, those already in employment, shall be excluded. Thereafter, if the remaining legal representatives agree, allotment may be made in favour of one or more of them (jointly) who shall actually carry on squatting/vending activity at the site allotted. **Such an allottee(s) shall not be permitted to allow any other person to carry on the business at the site allotted and shall in no event transfer his rights therein to any other person...."***

14. In light of the decisions cited above and the fact that the said details of other similarly placed persons are not on record and complete details of the previous owner of the *Tehbazari* site, Mr. Kishan Chand have also not been placed on record, such a plea for mutation would not be liable to be granted.

15. For these reasons, the present petition is, accordingly, dismissed.