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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of Decision: 8<sup>th</sup> May, 2025*

+ **W.P.(C)-6182/2025 & CM APPLs.28207-08/2025**

NEERAJ GUPTA & ANR.

....Appellants

Through: Mr. Pradeep Divan, Sr. Adv. with Mr.  
Mohammad Sajid and Mr. Abdullah  
Bin Masood, Adv. (M:9910949152)

versus

MUNICIPAL CORPORATION OF DELHI & ANR. ....Respondents

Through: Mr. Tushar Sannu, Standing Counsel  
MCD with Mr. Shivam, Adv. for  
MCD. (M:9911991166)  
Mr. Rajesh Katyal, Adv. for R-2.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE RAJNEESH KUMAR GUPTA**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioners-Neeraj Gupta and Rajeev Kumar Gupta under Article 226 of the Constitution of India seeking stay from initiating any action of demolition in respect of *tehbazari* site Nos.948 and 568 (*hereinafter, the 'tehbazari sites'*) situated at Ustad Hafiz Ali Khan Sahib Marg, Sarai Kale Khan, New Delhi.
3. The petition is stated to be filed on behalf of the stall occupiers of the *tehbazari* sites which are stated to be allotted to them by the Municipal Corporation of Delhi.
4. The case of the Petitioners is that they are running shops/kiosks near the station of Namo Bharat Metro Rail services at Sarai Kale Khan, Hazrat



Nizamuddin. However, recently on 6th May, 2025 the National Capital Region Transport Corporation ('NCRTC') started demolition action *qua* the *tehbazari* sites and further gave two days' time to the Petitioners to remove their articles from the said area. According to the Petitioners, the demolition of the *tehbazari* sites without prior notice is against the principles of Natural Justice and the same ought to be stopped. Further, the Petitioners are also seeking relocation of the *tehbazari* sites.

5. It is submitted by Mr. Divan, Id. Senior Counsel appearing for the Petitioners that the Petitioners have *tehbazari* allotments till 31<sup>st</sup> March, 2026 and that they could not be dispossessed from the *tehbazari* kiosks. It is further submitted that if the *tehbazari* sites have to be demolished, alternative site for vending ought to be provided to the Petitioners.

6. Mr. Tushar Sannu, Id. Counsel appearing for the Municipal Corporation of Delhi submits that the *tehbazari* itself is temporary in nature.

7. Mr. Rajesh Katyal, Id. Counsel appearing for NCRTC submits that the development of the Namoo Bharat Metro Rail station is being carried out as part of the Regional Rapid Transit System ('RRTS') line which is being constructed under the orders of the Supreme Court in ***W.P.(C) 13029/1985*** titled ***M C Mehta v. Union of India***. The present project, which is being carried out, is part of the RRTS line itself and the demolition of Petitioners kiosks is necessary, in order to undertake the further re-development process.

8. The Court has considered the matter. The photographs placed on record of the Petitioners are set out below:



9. A perusal of the above would clearly show that the development work is being carried out in the vicinity of the shop itself and in fact, the kiosks of the Petitioners would be coming in the way of the development.

10. The RRTS line is a crucial infrastructure project, which is being undertaken by NCRTC. It is also observed that the *tehbazari* certificate dated



25th January, 2018 issued to the Petitioners is temporary in nature. The said condition is set out below:

*“5. That your tehbazari is purely temporary and you have to vacate the site for any Govt. work or in public interest as and when required by MCD/SDMC.”*

11. Considering the fact that the *tehbazari* itself is temporary and the RRTS project is a project in public interest, the Petitioners cannot be seen to argue that they cannot be dispossessed.

12. The Petitioners have already made a representation to the South Delhi Municipal Corporation (*‘SDMC’*) for alternate location of the vending site.

13. Accordingly, the writ petition is disposed of in the following terms:

- (i) The Petitioners shall take out their belongings from the existing kiosks at the *tehbazari* sites by 5:00 PM on Saturday.
- (ii) Insofar as the prayer for an alternative site for the *tehbazari* is concerned, the present writ petition shall be considered as a representation on behalf of both the Petitioners and the same shall be considered and decided within two months. The decision shall be communicated by the Petitioners.

14. The writ petition, along with pending applications, is disposed of in the above terms.

**PRATHIBA M. SINGH**  
**JUDGE**

**RAJNEESH KUMAR GUPTA**  
**JUDGE**

**MAY 8, 2025/dk/rks**