



\$~39 to 46

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

Date of decision: 13th April, 2026

Uploaded on: 16th April, 2026.

~39

+ **W.P.(C) 2962/2026 & CM APPL. 14320/2026**
RANJANA CHANDNAPetitioner
versus
PUBLIC WORKS DEPARTMENT AND ORS.Respondents

~40

+ **W.P.(C) 2978/2026 & CM APPL. 14384/2026**
RAMESH CHANDPetitioner
versus
PUBLIC WORKS DEPARTMENT AND ORS. ...Respondents

~41

+ **W.P.(C) 2979/2026 & CM APPL. 14385/2026**
AJAY KUMARPetitioner
versus
PUBLIC WORKS DEPARTMENT AND ORS.Respondents

~42

+ **W.P.(C) 2980/2026 & CM APPL. 14386/2026**
MS. PREETI NAGARPetitioner
versus
PUBLIC WORKS DEPARTMENT AND ORS.Respondents

~43

+ **W.P.(C) 3010/2026 & CM APPL. 14516/2026**
SUBHASH CHANDPetitioner
versus
PUBLIC WORKS DEPARTMENT AND ORS.Respondents

~44

+ **W.P.(C) 3060/2026 & CM APPL. 14791/2026**
TANUJA HAROONPetitioner
versus
PUBLIC WORKS DEPARTMENT AND ORS.Respondents



~45

+

W.P.(C) 3061/2026 & CM APPL. 14792/2026

ASHOK KUMAR

.....Petitioner

versus

PUBLIC WORKS DEPARTMENT AND ORS.

.....Respondents

~46

+

W.P.(C) 3062/2026 & CM APPL. 14793/2026

SMT. PARVEEN

.....Petitioner

versus

PUBLIC WORKS DEPARTMENT AND ORS.

.....Respondents

APPEARANCE**ON BEHALF OF PETITIONERS:**

Mr. Kaushal Yadav & Mr. Nandlal Kumar Mishra, Advs.

ON BEHALF OF RESPONDENTS:

Mr. Brijesh Yadav, SPC along with Ms. Nikita, Mr. Sandeep Yadav, Mr. Anirudh Nagar, Mr. Hari Mohan & Mr. Kunal Chaudhary, Advs., Ms Namrata Mukim Standing Counsel MCD and Ms Niharika Singh, Adv., Mr. Santosh Kumar Pandey SPC, Mr. Sunil Goyal ASC along with Ms. Happy Kumari, Adv., Mr. Pushpinder Singh (SPC), along with Mr. Harsh Wadhvani, Advs., Mr. Kunal Rawat SPC(UOI), Dr. Ishaan Swarana Sharma, Mr. Ayush, Mr. Shubham Shukla, Ms. Shambhavi Sharma, Mr. Mukund Ranjan, Advs., Mr. Manish Kumar Srivastava, Mr. Moksh Arora, Mr. Santosh Ramdurg, Advs. and Mr. Amit Singh, AGM Legal TPDDL, Mr. Puneet Yadav, Adv., Ms. Beenashaw N. Soni (standing counsel, MCD) with Ms. Mansi Jain, Advs., Ms Shilpa Dewan, (Senior Panel Counsel) UOI, Ms Puja S Kalra, Adv., Mr Pushpinder Singh, SPC and Mr. Kushagra Sachdeva, Government pleader, Mr Siddhant Nath, Adv. Mr. Amaan Khana Adv, Mr. Jai Singh Rawat, Adv. for Mr. Divyam Nandrajog, Adv, Mr. Chiranjiv Kumar, Mr. Mukesh Sachdeva, Mr. Pranav Arya, Advs., Ms. Vaishali Gupta, Panel Counsel (Civil) GNCTD, Ms. Rashi Aggarwal , Adv.

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE MADHU JAIN****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.



2. The present petitions have been filed by the Petitioners who claim to be valid Tehbazari holders & vendors in the Timarpur area, where a demolition action was recently conducted by the Municipal Corporation of Delhi/ Public Works Department (hereinafter, 'PWD') on 5th February, 2026.

3. The details, including the factual background of the said vendors who have filed these petitions, as stated in their respective petitions are as under:

S. No.	Name of Petitioner & Writ Number	(i) Tehbazari Receipt Number, (ii) Date of Issuance and (iii) Validity	Tehbazari Site Allocated and Site Number	Site Type
1.	Ranjana Chandna W.P.(C) 2962/2026	Receipt No.: 0702202611054 03 Issued on: 26.03.2010 Validity: 31.03.2026	Timar Pass Section, Near Bus Stand, Delhi Administrative Staff Quarter, Delhi Site No.: 7075	Rehri Stall/ Others
2.	Ramesh Chand W.P.(C) 2978/2026	Receipt No.: 2302202619210 47 Issued on: 26.05.2005 Validity: 31.03.2026	Delhi Administrative Flats, Nera Pass Section, Timarpur, Main Road, Delhi Site No.: 15506	Rehri Stall/ Others
3.	Ajay Kumar W.P.(C) 2979/2026	Receipt No.: 2804202515115 22 Issued on:	Along with wall of Delhi Administrative Quarters, Pass Section, Timarpur	Rehri Stall/ Others



		21.08.2006 Validity: 31.03.2026	Site No.: 16264	
4.	Ms. Preeti Nagar W.P.(C) 2980/2026	Receipt No.: 0108202518412 42 Issued on: 15.12.2009 Validity: 31.03.2026	Near Royal Banquet Hall, Vijay Nagar, Delhi Site No.: 10200	Rehri Stall/ Others
5.	Subhash Chand W.P.(C) 3010/2026	Receipt No.: 0602202611120 27 Issued on: 20.08.2004 Validity: 31.03.2026	Here & There Timarpur Site No.: 15098	Rehri Stall/ Others
6.	Tanuja Haroon W.P.(C) 3060/2026	Receipt No.: 1504202516422 64 Issued on: 17.04.2009 Validity: 31.03.2026	Near Administration Flats, Way to Balak Ram Hospital, Timarpur Site No.: 1513099	Squatters Regular
7.	Ashok Kumar W.P.(C) 3061/2026	Receipt No.: 2404202518345 83 Issued on: 21.08.2006	Along with wall of Delhi Administrative Quarters, Pass Section, Timarpur, Delhi Site No.: 16261	Rehri Stall/ Others



		Validity: 31.03.2026		
8.	Smt. Parveen W.P.(C) 3062/2026	Receipt No.: 0108202518314 65 Issued on: 31.03.2004 Validity: 31.03.2026	Red light to fire station, Jahangirpuri, near K block park Site No.: 7741	Rehri Stall/ Others

4. According to the Petitioners, they had applied for valid *tehbazari* licenses, they were also allotted a license for covered *tehbazari* and had also deposited the requisite fee.

5. However, sometime in January-February, 2026, a drive was undertaken by the PWD, along with the MCD, notices were issued to the vendors and under the garb of encroachments, the Petitioners' *tehbazari* vends were also removed.

6. The prayer in these writ petitions is for restoring the *tehbazari* sites of the Petitioners and permitting them to carry out their business until their *tehbazari* license expires.

7. On the previous dates *i.e.*, on 10th March, 2026 and 11 March 2026, *vide* separate orders, the Court had noted the allegations of the Petitioners that they were illegally removed by the Authorities. Accordingly, the Court had directed the Municipal Corporation of Delhi (*hereinafter*, 'MCD') and the Public Works Department (*hereinafter*, 'PWD') to file their respective status reports in the present petitions to show the manner in which the Petitioners' vends were recognized as unauthorised encroachments and were thus



removed.

8. On 6th April 2026, the Court was informed that the PWD had taken the said action of removing the vends of the Petitioners as their *tehbazari* vends were adjacent to the drains. Due to this, the manholes had been totally blocked and there was severe water logging in the area. It is further the case of PWD that most of the vendors whose vends were removed were completely unauthorised and were encroaching upon public land. In view thereof, the court had passed the following order on 6th April, 2026 :-

“4. Today, ld. Counsels for the Municipal Corporation of Delhi (hereinafter, ‘MCD’) and PWD have either filed or handed over the status reports to the Court.

5. The Court has perused the same. In some of these petitions, the status reports are not on record. The delay in filing the status reports is condoned. Let the same be brought on record.

6. In addition, the submission on behalf of the ld. Counsels for the MCD is that an Inquiry Committee has been constituted to inquire into the signing of certain documents including letters dated 11th September, 2020 in W.P.(C) 3061/2026 and W.P.(C) 3062/2026 which have been signed by the Assistant Commissioner, Civil Lines Zone, NDMC, Delhi/MCD. The said letters are stated to be fabricated documents, issued by some unscrupulous officers.

7. Let the constitution of the Inquiry Committee of the MCD be formally reported to the Court on the next date, along with the order passed in this regard, by the MCD.

8. Further, ld. Counsels for the Petitioners shall also be served with the copies of all the status reports which have been filed by the concerned authorities.

9. Additionally, ld. Counsels for the Petitioner are also permitted to file any additional documents, if required, by the next date.

10. Ld. Counsel for the MCD submit that encroachments



have been removed in the Timarpur area.

11. In fact, ld. Counsel for PWD has brought to the notice of the Court that there was a drain, adjacent to which the tehbazari sites had been set up by the Petitioners. It is submitted that the untreated discharge was flowing directly into the drain, which had been clogged, resulting in severe water logging in the Timarpur area. Since the tehbazari shops were unauthorized and constituted encroachment on public land, the same were removed.

12. With regard to the aforesaid position, let a status report be also filed by the PWD as well.

13. Further, there is also an allegation by the ld. Counsels appearing for the MCD and PWD that in the night, the Petitioners and other similarly placed persons put up their stalls and remove it by the morning.

14. The Station House Officer, P.S. Timarpur, shall be personally responsible for ensuring that no vending activities, outlets or tehbazari sites are operated from the area where the encroachments have been removed. The PWD shall undertake removal of clogging in the drains, conduct desilting operations, ensure free flow of the water and cleaning up of the concerned Timarpur area.

15. Additionally, the Petitioners shall not reinstate their goods or any of their belongings, either temporarily or otherwise, as the demolition has already taken place in the said Timarpur area.”

9. Today, further status reports have been filed by the MCD, PWD, SHO of the concerned area, as also by TATA Power Delhi Distribution Limited (hereinafter, 'TPDDL').

10. Firstly, on behalf of TPDDL, it is submitted that the electricity connection was provided to the Petitioners after they had submitted their requisite documents, however, when the PWD undertook the removal of



encroachments, the electricity was disconnected.

11. It is also submitted that in some cases, no electricity connection was provided in the first place, such as in ***W.P.(C) 2962/2026 and W.P.(C) 3010/2026.***

12. Be that as it may, in some cases, the MCD appears to have issued the *tehbazari* licenses, however, the said licenses are for covered *tehbazaris*. The case of the MCD is that some unscrupulous officers of the MCD have fabricated and created the documents & licenses which are relied upon by the Petitioners herein in the other petitions.

13. Insofar as PWD is concerned, the situation is much more serious, as is evident in their affidavit. An affidavit has been sworn by the Executive Engineer of the Central & New Delhi- Road, Division (M-413) PWD, New Delhi wherein it is stated as under:

“6. This office duly coordinated with all concerned stakeholders, including the Task Force, Municipal Corporation of Delhi (MCD), Revenue Department, and Police Department, for demarcation of land and verification of “Tehbazari” vide letter No. 12(17)/AE/C&ND-Roads/2025-26/186-(H) dated 12.11.2025 and EE office letter No. 23 (Ench.-II)/EE/C&ND-Roads/PWD/2025 - 26/3802-(H) dated 18.12.2025. A copy of the letter 12(17)/AE/C&ND-Roads/2025-26/186-(H) dated 12.11.2025 has been annexed here with as Annexure —B, and a copy of the letter No. 23 (Ench. -II)/EE/C&ND-Roads/PWD/2025-26/3802-(H) dated 18.12.2025 has been annexed herewith as Annexure-C 7. That thereafter, a drive was conducted on 20.01.2026 after issuance of prior notice to all concerned stakeholders vide letter No. 12(17)/AE-II/C&ND-Roads/2025-26/216-(H) dated 21.12.2025. The notice was also served to shopkeepers/affixed on shops well in advance. A copy of the letter No.



12(17)/AEII/ C&ND-Roads/2025-26/216-(H) dated 21.12.2025 is annexed herewith as **Annexure — D**.

8. During the above-mentioned drive, all the shopkeepers were informed that they should vacate the encroached footpath/drains so that maintenance could be carried out. It is further submitted that redevelopment works, including the construction of a new drainage system/footpath as per the Drainage Master Plan, have also been proposed for the said stretch of road, necessitating urgent clearance of encroachments over drain & footpath area.

9. It is also in terms of Tehbazari that “Tehbazari is purely temporary and has to vacate the site for any govt. work or in public interest as and where required.” Even after repeated personal requests/notices, the footpath/drains were not made available for the govt. work, i.e. maintenance/cleaning of drains/footpath/road, etc.

10. It is further submitted that PWD has to maintain their ROW free from encroachment for maintenance and of Road, Footpath & Drains as per the Office Memorandum No. 23(35)/ADG (Maintenance & Flyover)/PWD/2025-26/207 dated 05.02.2026 wherein it has been categorically stated that PWD is authorized to remove any encroachment hindering the maintenance of road, footpath, and ROW, thereby requesting stake holder i.e. MCD, Delhi Police, Task Force to get the area free from encroachment. A copy of the Office Memorandum No. 23(35)/ADG (Maintenance & Flyover)/PWD/2025-26/207 dated 05.02.2026 is annexed herewith as **Annexure -E**.

11. That accordingly, after due intimation to all concerned departments vide letter No. 12(17)/AE/C&ND-Roads/2025- 26/261-(H) dated 29.01.2026 and EE office letter No. 23 (Ench.-II)/EE/C&ND-Roads/PWD/2025-26/487-(H) dated 02.02.2026, and upon serving prior notice to all stakeholders, a subsequent encroachment removal drive

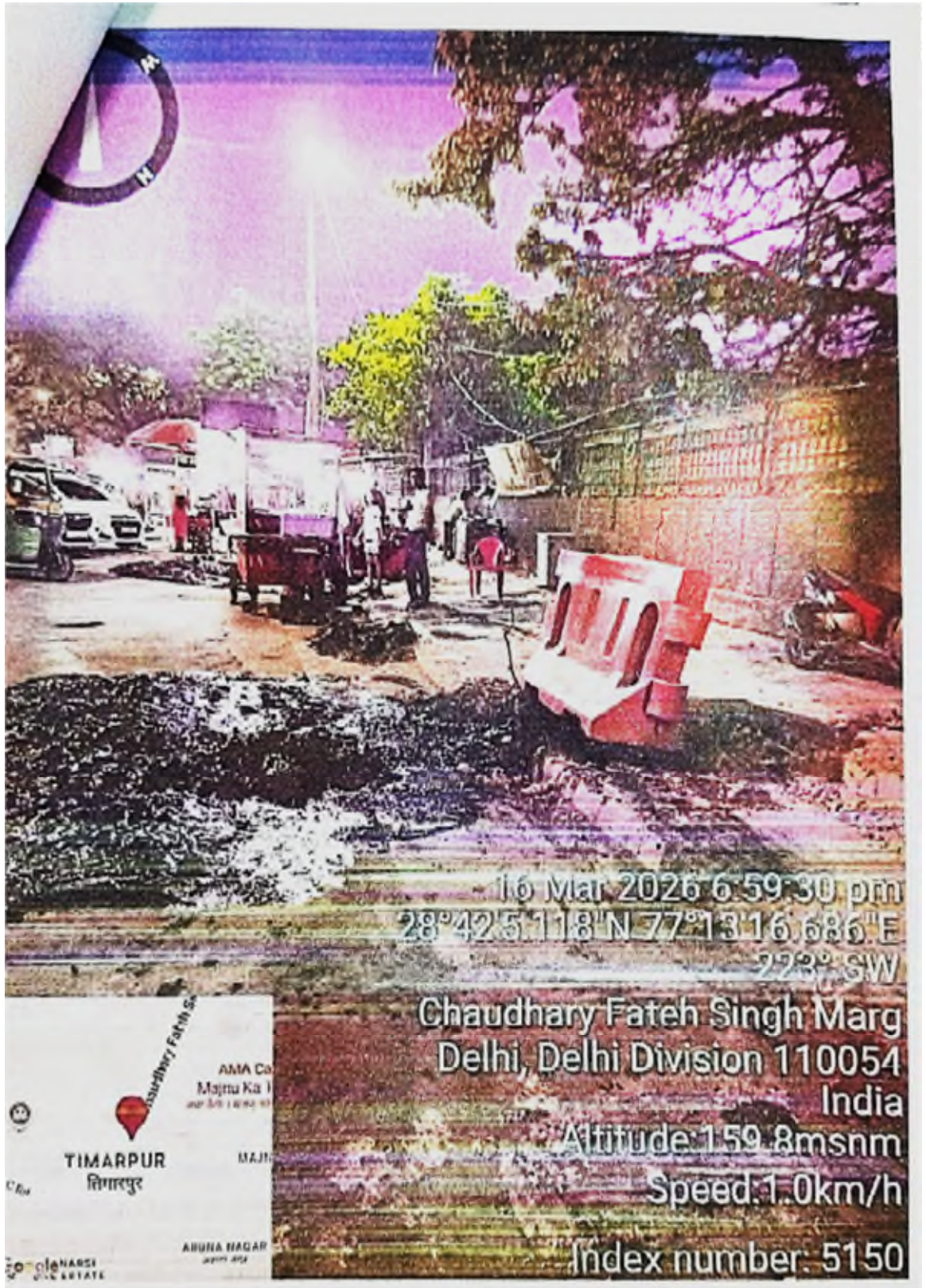


was conducted on 05.02.2026 jointly by all stake holders, PWD, MCD, Task Force, Delhi Police, TPDDL etc. it is respectfully submitted that the said encroachment removal drive was carried out strictly in accordance with law and solely in the interest of ensuring smooth traffic movement, effective drainage/footpath maintenance, and public convenience in the interest of Govt. A copy of the letter No. 12(17)/AE/C&NDRoads/2025-26/261-(H) dated 29.01.2026 is annexed herewith as **Annexure -F**. A copy of the office letter No. 23 (Ench.- II)/EE/C&ND-Roads/PWD/2025-26/487-(H) dated 02.02.2026 is annexed herewith as **Annexure —G**.

12. That the actions undertaken by the PWD, along with all stakeholders, i.e. MCD, Task Force, Delhi Police, TPDDL, etc., demonstrate its continued commitment towards maintaining public infrastructure, preventing waterlogging, and ensuring that public roads and drains & footpath remain free from encroachment to carry out proper maintenance of road/footpath/drains.

13. That the Answering Respondent has utmost respect for this Hon'ble Court and the orders passed by this Hon'ble Court. The Answering Respondent is taking all possible measures in compliance with the orders and directions of this Hon'ble Court.”

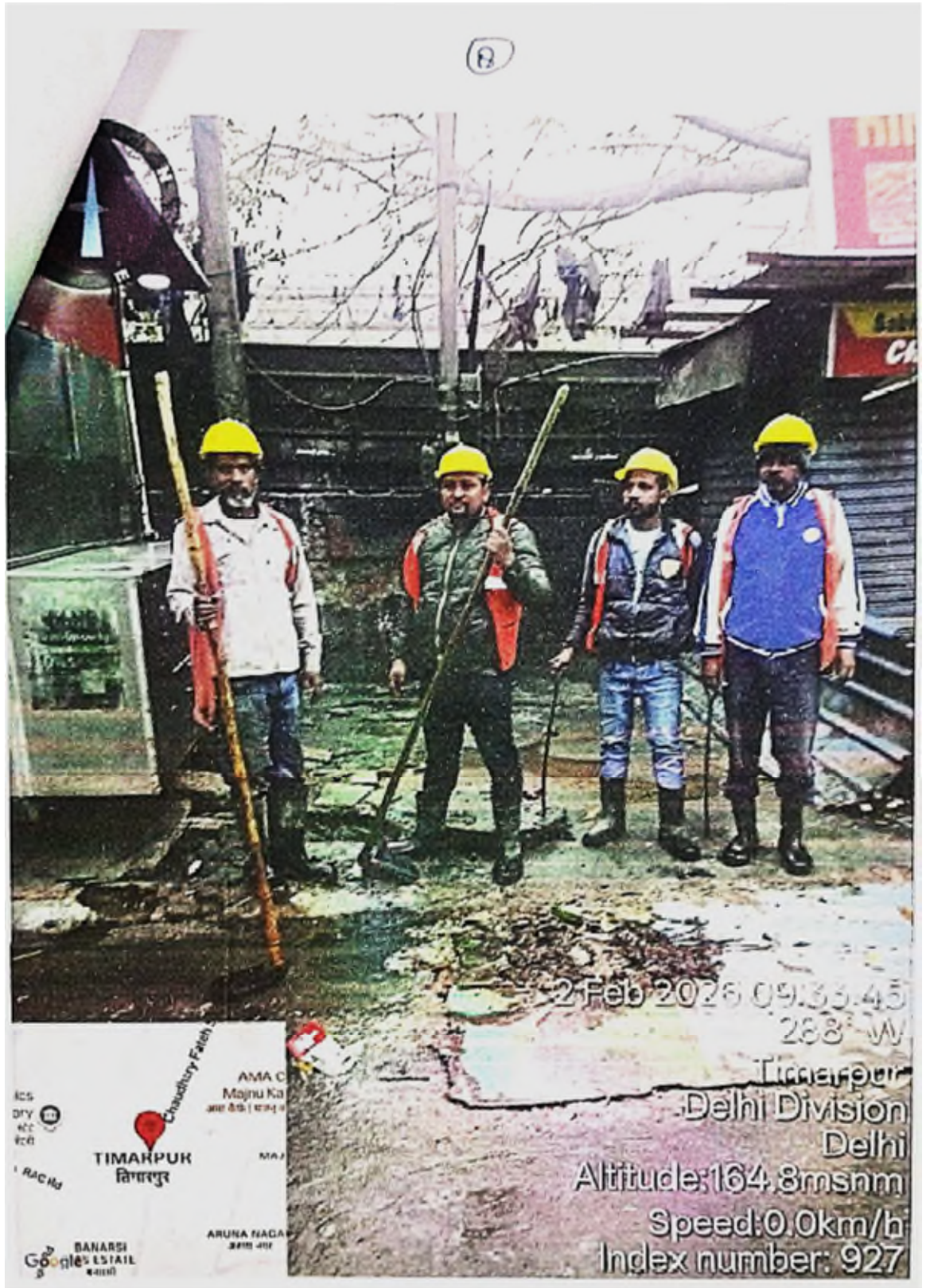
14. A perusal of the said affidavit of PWD also shows that there are photographs which are annexed therein, evidencing the nature of water logging in the area, the manner in which roads have been covered and occupied by the *tehbazari* holders, as also the manholes being totally blocked and choked, leading to severe water logging. The said photographs are also set out below:





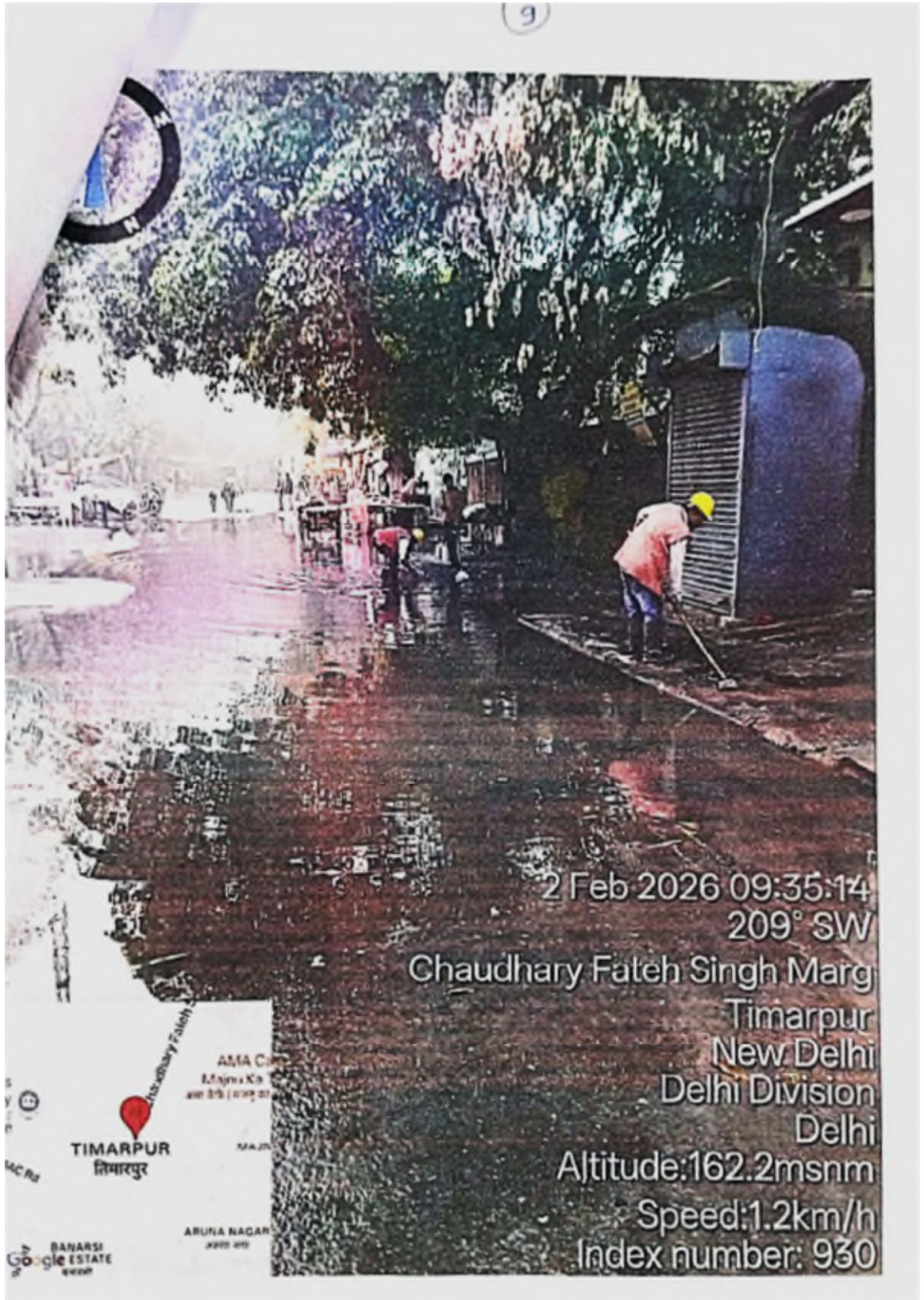
7

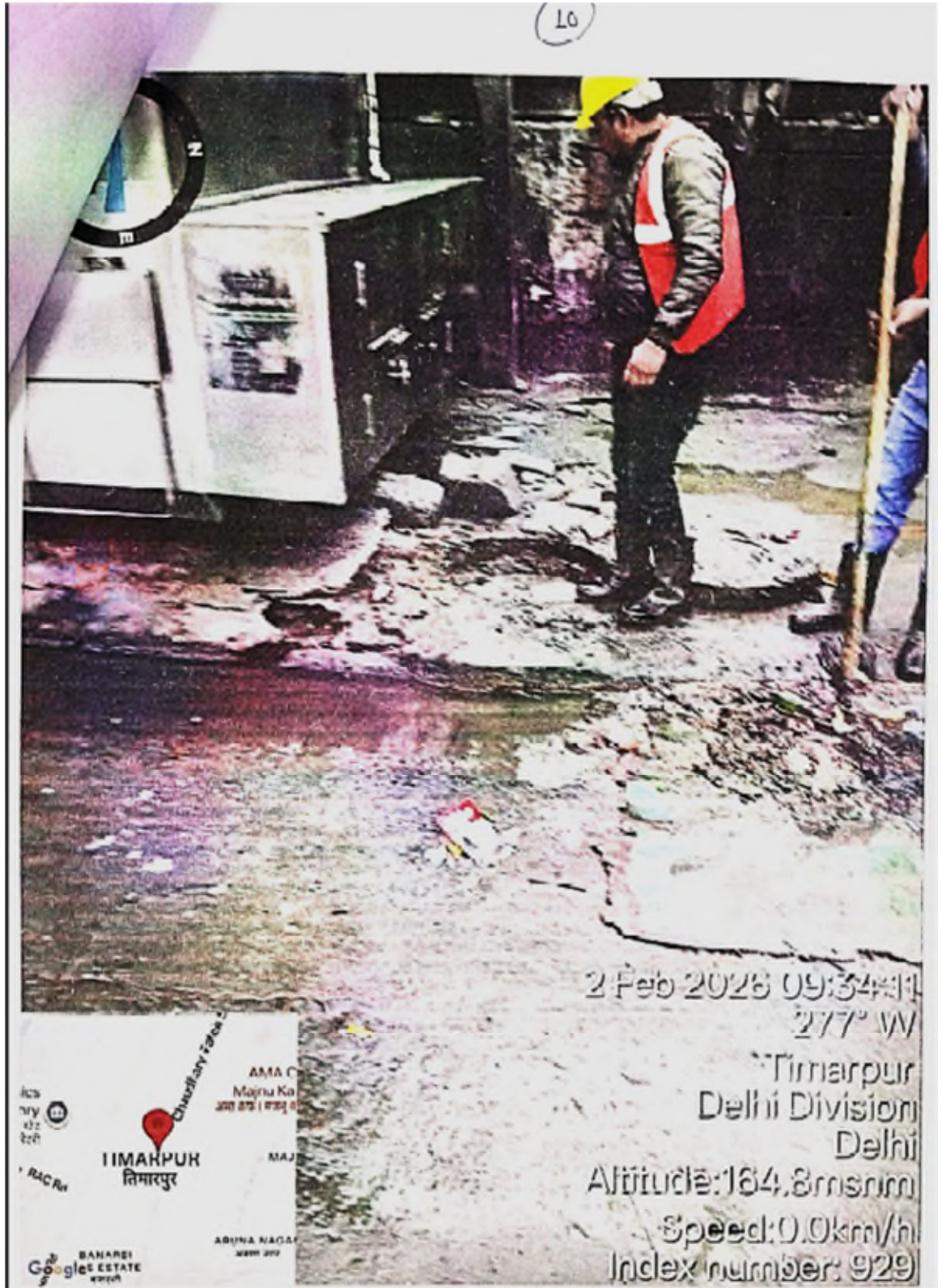






9









15. Thus, the affidavit of PWD leaves no manner of doubt in the mind to the Court that there are severe encroachments and occupation by various



shopkeepers, persons running *dhabas* and other outlets, as also small shops. The photographs extracted above show the nature and extent of the encroachments. Further, the PWD and the MCD are stated to have together undertaken the anti-encroachment drive.

16. It is a matter of fact of which judicial notice has been taken that during the rainy season, several parts of Delhi are completely water logged and the reason for this, on most occasions, is unauthorised encroachments, as also, non de-silting of drains at the appropriate time.

17. If the encroachments on drains, clearing of manholes and sewage systems are not done properly and at the right time, water logging will continue unabatedly, causing severe civic problems for the whole of Delhi.

18. In the opinion of this Court, such anti-encroachment drives are absolutely essential and the PWD's affidavit leaves no manner of doubt that the encroachments have to be mandatorily removed.

19. Insofar as the case of the Petitioners who claim that they have a valid *tehbazari* license is concerned, the stand of the MCD, as per the affidavit placed on record clearly states that the said licenses are not genuine documents, and they appear to be a result of some connivance of MCD officials.

20. The affidavit filed by the MCD sworn by M.r Ravi Goel, Assistant Commissioner, MCD in the Civil Line Zone, MCD, Delhi, clearly uses the word "*unscrupulous officials of MCD*" in the affidavit itself. This clearly shows that whenever such encroachments happened, some unscrupulous officials, having vested interests may have been involved.

21. In this regard, on the last date of hearing, the Court had directed MCD to place on record as to what is the nature of the Committee that has been



formed, to scrutinise these documents and to take appropriate action.

22. Today, a communication in this regard has been placed on record by the MCD which shows the formation of a Committee to scrutinise the *tehbazari*, in the said Ward No. 11 Timarpur, Delhi. The said communication dated 8th April, 2026 is set out below:

“Subject:- Formation of committee to scrutinize Tehbazari in ward no. 11, Timarpur, Delhi - regarding.

Whereas certain parties have claimed tehbazari/vending rights in ward no.11 Timarpur and have relied upon various documents in support of their claims;

And Whereas the Municipal corporation of Delhi has already taken a stand before the Hon'ble court that such parties are not recognised Tehbazari holders/licenced Tehbazari holders as per the official records;

And Whereas it has become necessary to verify the authenticity and genuineness of documents relied upon by such parties, in order to place correct factual position on record;

Accordingly, a committee is hereby constituted comprising

1. Assistant Commissioner /CLZ- Chairman

2. Administrative Officer/CLZ - Member

3. Accounts Officer/CLZ - Member

4. ALO/CLZ - Member”

23. In some of these petitions, there are documents signed by MCD officials, which appear to have given the basis to the Petitioners to file these petitions, and to claim valid *tehbazari* rights.

24. Thus, until and unless these documents, including the *tehbazari* licenses, are duly scrutinised by the necessary Committee, as also by the Town Vending Committee in accordance with law and as per the relevant Acts and



Rules of MCD, the Petitioners cannot claim to be valid *tehbazari* holders.

25. There cannot be any doubt that some connivance may have been there of certain officials who may be involved with the Petitioners in creation and fabrication of such documents. Thus, this matter requires serious attention at the highest level of the MCD, failing which such officials would also be guilty of creating difficulties for the local residents, wherever such unauthorised *tehbazaris* are permitted.

26. The mandate of the Committee with respect to the steps to be undertaken in regard of the issues raised, as seen in the terms of reference is as under:

“Terms of Reference:

(i) The committee shall examine and verify the authenticity of documents submitted/ relied upon by the concerned parties claiming Tehbazari/vending right

(ii) Cross check the same with official records of MCD Identify whether such documents are genuine, fabricated or not

(iii) Verify whether any authorisation/licence exists in favour of such parties.

(iv) Submit findings regarding discrepancies, if any. The committee shall not adjudicate rights but shall function as a fact finding body.

The committee is authorized to call for records, interact with concerned officials and conduct field verification, if required.

The Committee is directed to submit its detailed report along with recommendation to the undersigned within 21 days from the date of issuance of this order.”



Clearly, the MCD has not given any term of reference for action to be taken against the concerned officials.

27. Hence, in furtherance to the terms of reference laid down by the Committee, the Court further directs that if the Committee comes to such a finding that certain officials have been involved in unscrupulous activities, strict action is required to be taken against such officials.

28. Therefore, this Court, while exercising its jurisdiction under Article 226 directs that the additional term of reference of this Committee, i.e. “term (v)” shall be as under:

v. Details of actions to be taken against erring officials who may have connived or conspired with the petitioners, in creation/issuance of these fabricated documents/licenses to the petitioners.

29. Accordingly, the Committee shall undertake its mandate within a period of one month and shall place its findings before the Court. The erring officials shall be named in the said report.

30. Insofar as the Petitioners are concerned, if any of the Petitioners are found to be valid *tehbazari* licence holders, upon receiving the report of the Committee, the Court will then consider the manner in which they need to be accommodated, including directions for allotment of an alternate site to such Petitioners, if so required.

31. Until the said report of the Committee is furnished before the Court, none of the Petitioners shall be permitted to set up or re-install their vends in the said Timarpur area.

32. In the meantime, PWD is free to carry out its activities to ensure that the water logging is completely eliminated during the forthcoming rainy



season. For the said purpose, any cooperation required from the MCD or the DDA shall also be completely extended to the PWD. After carrying out the necessary de-silting and clearance of all the manholes and drains in the area, the road and pavements shall be properly laid, to ensure that there is no water logging.

33. Thereafter, the report of the PWD shall also be placed on record.

34. All the petitions, along with pending applications, if any, are disposed of.

35. In addition, the directions given to the SHO, PS Timarpur, in Paragraph, 14 of the previous order dated 6th April, 2026 shall also continue to operate. The SHO shall do continuous monitoring in the area to ensure that none of the *tehbazari* holders are able to set up their stalls or shops in any manner till further orders of this Court.

36. List for compliance and filing of reports on 22nd May, 2026.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

APRIL 13, 2026/prg/ss