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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 9th September, 2026

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CNR No. DLHC010377302026

+ W.P.(C) 11733/2026 & CM APPL. 54294/2026, CM APPL. 54295/2026

DHARMENDER KUMAR

.....Petitioner

Through: Mr. Sumit Kumar, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Puja S. Kalra, Standing Counsel
with Mr. Virendra Singh, Advocate.

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 -Dharmender Kumar under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to allow the Petitioner to peacefully vend and allot a *Tehbazari* site within a defined time frame. On the one hand, the Petitioner is seeking directions against his removal from his vending site and on the other hand, Petitioner is also seeking allotment of a *Tehbazari* site.
3. The Petitioner claims to be having Certificate of Vending (hereinafter, 'CoV') bearing URI No. 2088996, however, the complete copy of the same along with terms and conditions have not been filed with the present petition. Further, the Petitioner had also filed another writ petition being **W.P. (C) 10888/2025 titled 'Dharmender Kumar v. Municipal Corporation of Delhi & Anr.'**, wherein *vide* order dated 28th July, 2025, the Petitioner was



permitted to make a representation seeking allotment of a regular site of vending.

4. Ld. Counsel for the Municipal Corporation of Delhi (hereinafter, 'MCD') has pointed out that the Petitioner is guilty of concealment of material facts and that the photographs of the Petitioner's site have not been attached with present writ petition. It is also submitted that another writ petition being ***W.P. (C) 4888/2025 titled 'Surjeet Singh v. Govt. of NCT of Delhi & Ors.'*** was filed by one, Surjeet Singh against the Petitioner, his parents and other family members. There were allegations of encroachment by the Petitioner and his family members. The encroachments were directed to be removed. The order dated 4th May, 2025 passed in ***W.P. (C) 4888/2025*** reads as under:-

"1. The present writ petition has been filed seeking a direction to respondents to take steps for removal of unauthorized encroachments on public place in front of the petitioner's premises at Shop no.4, Central Road, Jangpura, Hazarat Nizamuddin, New Delhi.

2. Status report has been filed on behalf of respondent no.2/ MCD, wherein it is stated that on 28th February, 2025 (sic : 28th April, 2025), encroachment in front of the shop of the petitioner has been removed with the assistance of the Police force. The status report further states that a watch and ward letter has been issued to the concerned Police Station, i.e., respondent no.4/ SHO, P.S. Nizamuddin.

3. Photographs showing the removal of encroachment and a copy of the watch and ward letter have been filed along with the status report.

4. In view thereof, the present writ petition is disposed of, while directing the concerned Police authorities, i.e., respondents no.4 and 6, to regularly inspect the area in question and monitor the area to ensure that the said encroachments do not occur again.

5. In the event, the petitioner has any further grievance



with regard to unauthorised construction, he is at liberty to take appropriate remedies in accordance with law.

6. All rights, contentions and legal remedies of the private respondents/ owners/ occupiers are kept open.”

5. Heard Id. Counsel for the parties. Clearly the Petitioner was duly represented before the Id. Single Judge when the above order was passed. The Petitioner had a duty to disclose all the relevant facts in this petition, including the passing of the said order by the Ld. Single Judge.

6. In the opinion of this Court, the order dated 4th May, 2025 passed in **W.P. (C) 4888/2025** having not being placed before this Court, no order as sought by the Petitioner can be granted in the present writ petition. The non-mentioning of the details of the said writ petition, the MCD status report filed therein and the order passed constitute serious concealment of material facts disentitling the Petitioner to any relief in the present petition. Moreover, even the proper copy of the Provision CoV has not been filed. Photographs of the vend have not been filed. There appears to be a clear attempt to withhold material facts.

7. The petition is, accordingly, dismissed. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

SEPTEMBER 9, 2026/MR/CK