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

Date of decision: 10th September, 2026

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CNR No. DLHC010429642026

+ **W.P.(C) 13250/2026, CM APPL. 61625/2026 & CM APPL. 61626/2026**

SHANKER GUPTA & ANR.

.....Petitioners

Through: Ms. Aastha Dhawan and Ms. Vanshika Goswami, Advocates.

versus

**NEW DELHI MUNICIPAL COUNCIL (NDMC)
& ANR.**

.....Respondents

Through: Mr. Sriharsha Peechara Standing Counsel with Mr. Jitendra Kumar Tripathi ASC, Mr. Soumit Ganguli, Ms. Ravicha Sharma and Mr. Akash Sharma Advocates for NDMC.
Ms. Shalini Bhardwaj, Advocate with Ms. Sanoli, 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 two brothers, Shri. Shanker Gupta and Shri. Anoop Kumar Gupta, who are joint *Tehbazari* holders at *Tehbazari* site measuring 134-T-48, N Block, Connaught Place, New Delhi-110001.



3. The case of the Petitioners is that the joint vending of the Petitioners is recognized earlier by the Thareja Committee and, thereafter, by the Chaturvedi Committee. The possession letter was also issued to the Petitioners on 22nd June 1999.

4. The Petitioners have been vending at N-Block, Connaught Place, New Delhi since 1984. Reliance is placed upon the order dated 14th February, 1994 passed by the Thareja Committee, wherein it has been recognized as under:-

“...Accordingly, I find that the applicant No. 1 & 2 are entitled to one site of 6’ X 4’ with seniority from 4.7.1984. I am extending the benefit for purposes of seniority considering the two files together and had the claims been considered individually I can not rule out that one of the applicant would have failed and the claim of other applicant could have been passed with seniority at a later date. Since they are held joint, the seniority is also considered jointly. In the event the N.D.M.C. is ready to give teh-bazari rights jointly, then the teh-bazari rights be given jointly to applicant No.1 and 2. In case the teh-bazari rights is given to individual member, both applicant No.1 and 2 had agreed that teh-bazari rights be given to applicant No.1. Accordingly, the relief shall be granted in favour of the applicant No.1.”

5. The case of the Petitioners is that in the recent survey which has been conducted by the New Delhi Municipal Council (hereinafter, ‘NDMC’), only the name of one of the brothers is being added and the joint ownership of the *Tehbazari* site is not being recognized by the NDMC. Hence, the relief prayed is that the NDMC ought to record the names of both the Petitioners as existing *Tehbazari* holders for the said *Tehbazari* site i.e., 134-T-48, N Block, Connaught Place, New Delhi.



6. Ms. Aastha Dhawan, Id. Counsel for the Petitioners submits that earlier, the Petitioners had filed a petition before this Court being ***W.P. (C) 7559/2023*** titled '***Shankar Gupta and Anr. v. New Delhi Municipal Council***' seeking splitting up of the *Tehbazari* license. However, the said writ petition was dismissed on 29th May, 2023. The review in respect thereof being ***Review Pet. 322/2023*** was also dismissed on 20th November, 2023.

7. The case of the Petitioners is that severe prejudice would be caused, if in the survey currently being conducted, the joint ownership of the *Tehbazari* is not granted by the NDMC. Hence, a representation was also filed on 27th August, 2026 by the Petitioners.

8. On behalf of the NDMC, it is submitted by Id. Counsel that the IT software system of the NDMC can record only the name of one vendor and not two vendors.

9. Heard. Clearly, the non-recording of both the names of the Petitioners would cause injustice to the Petitioners in as much as their rights have been repeatedly recognized by various committees and they are historically joint owners of the *Tehbazari* license.

10. Under such circumstances, NDMC ought to have ideally made adequate provision in the software for recording of joint names. However, at this stage, since the survey itself is stated to be coming to an end today, in order to balance the rights of the Petitioners and ensure an expeditious conclusion of the survey, it is directed that the name of the elder brother *i.e.*, Shri. Shanker Gupta, be recorded in the records of the NDMC for the time being as part of the survey. However, at the time of issuance of the Certificate of Vending (hereinafter, '*CoV*'), the Town Vending Committee-II shall issue the CoV, subject to all conditions being satisfied, in the joint name of both the



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Petitioners *i.e.*, Shri. Shanker Gupta and Shri. Anup Kumar Gupta.

11. In order to participate in the survey, at this stage, no further 'No Objection Certificate' shall be sought from the Petitioners and the name of Shri. Shanker Gupta shall be recorded by the NDMC in respect to the *Tehbazari* license, both on his own behalf and on behalf of his brother *i.e.*, Petitioner No.2.

12. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

13. Let the order passed today be communicated to the survey team today itself by the Id. Counsel for the NDMC so that the directions herein are complied with.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 10, 2026
MR/CK