



\$~38

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1231/2025**
BHAGWATI MARKET SHOPKEEPERS ASSOCIATION
(REGISTERED)Petitioner

Through: Mr. Madhav Khurana, Sr. Adv.
with Mr. Pankaj Chopra and
Ms. Sanjivani Pattjoshi, Adv.

versus

SHRI VIJAY KUMAR & OTHERS.Respondents

Through: *Nemo*

CORAM:

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **14.08.2025**

CM APPL. 50130/2025 (Exemption)

1. Allowed, subject to all just exceptions.

CONT.CAS(C) 1231/2025 & CM APPL. 50131/2025 (Stay)

2. The present petition is filed under Sections 12 and 14 of the Contempt of Courts Act, 1971 seeking action against the respondents for having committed willful disobedience to the directions passed by the Division Bench of this Court in the orders dated 10.03.2025, 30.11.2022 and 27.02.2025 in CONT. CAS. (C) NO. 412/2022 claiming *inter-alia* the following reliefs:

“I. Punish the Respondents/Contemnors for the Contempt of Court committed by them by violating the mandate and directions of the Order dated 10.3.2025 and 30.11.2022 passed by the Hon'ble Division Bench of this Hon'ble Court in Cont.Cas(C) 412/2022;

II. Pass an appropriate Order quashing the said letter dated 29.7.2025”

3. It is stated that the respondents have issued a letter dated



29.07.2025 in utter disregard of this Court's directions passed in order dated 30.11.2022 in CONT. CAS. (C) NO. 412/2022 which ought to have been complied *qua* Tanga Stand, Moti Nagar (Option-II) and in view thereof directed that the shopkeepers of the Bhagwati Market be shifted to the agreed site at Tanga Stand, Moti Nagar, Delhi.

4. It is stated that by the said letter of 29.07.2025, the respondents/contemnors are threatening to evict the petitioner and relocate them to the said Tanga Stand, Moti Nagar without following the due process as agreed and recorded in the Order dated 30.11.2022.

5. The Division Bench of this Court *vide* order dated 30.11.2022 in CONT. CAS. (C) NO. 412/2022 has passed *inter-alia* the following directions:

“In view of the foregoing whilst directing the Municipal Corporation of Delhi, as well as Tehbazari Right Holders of Bhagwati Market to comply with their reciprocal obligations, as elaborated herein above, without demur, we dispose of the proceedings by further directing that the shops currently occupied at the Bhagwati Market and sealed by the Municipal Corporation of Delhi, shall be de-sealed for a period of 30 days from today, i.e., 30.11.2022, and permit the Municipal Corporation to construct shops at the backside of Panchkuian Road near R.K. Ashram Metro Station-besides existing Tehbazaris - and thereafter, handover the possession of the shops to be constructed by them to Tehbazari Holders of Bhagwati Market, in terms of the present order, the latter shall hand over the vacant and peaceful possession of their shops located at Bhagwati Market to the former within 30 days thereafter.”

6. It is further submitted that while the MCD was in process of



constructing the shops at the aforesaid site i.e. backside of Panchkuian Road near R.K. Ashram, objections were raised by Ramakrishna Mission after which the MCD/respondent had filed an affidavit offering an alternate site to shift the shopkeepers of Bhagwati Market at Moti Nagar, Tanga Stand. This is also reflected in the Order passed on 27.02.2025 wherein, the Division Bench of this Court has passed the following order:

"1. The respondents/Municipal Corporation of Delhi (MCD) has filed an affidavit clearly affirming as under:

"3. That MCD is ready to give an alternate site at Moti Nagar Tanga Stand, back side of existing tehbazaris, near Co-operative Store for relocation of Bhagwati Market, Bank Street, Karol Bagh, New Delhi."

2. The learned counsel appearing for the MCD states that the proposed land at Moti Nagar, which the MCD has offered-for relocating the Bhagwati Market shopkeepers, is owned by the MCD. Therefore, there cannot be any objection from anyone regarding shifting of the tehbazari holders (shopkeepers of Bhagwati Market) to that location. He also states that fifty tehbazari licences have already been allocated in respect of a part of that land and therefore there can be no objection as to the suitability of the said land.

4. We make it clear that the shopkeepers of Bhagwati Market will have to vacate the area as the same is required for construction of a multi-level parking, which is a-public project.

5. The said project is for decongestion in the area and to facilitate the public. The same cannot be interdicted merely on account of



tehbazari holders insisting to carry on their business activities from the particular area. It is well settled that a licensee does not acquire any rights in the property. And, the shopkeepers of Bhagwati Market cannot hold up the public project.

6. List on 10.03.2025.”

7. On 10.03.2025 in the said contempt case, the Division Bench of this Court had *inter-alia* passed the following orders:

“11. Mr. Pandey, learned counsel for MCD also submitted that the direction passed by the Predecessor Bench of this Court, Vide Order dated 30th November, 2022 in CONT. CAS (C) 412/2022, shall be complied with qua the Tanga Stand, Moti Nagar (Option -II). It is clarified that the shopkeepers of Bhagwati Market shall vacate the already occupied area in terms of the Orders dated 30th November, 2022 and 27th February, 2025.”

“15. In view of the above, the Court is of the view that nothing survives for further adjudication in the instant application qua prayer 'a'. Accordingly, learned counsel appearing on behalf of the MCD is directed to ensure that the shopkeepers of the Bhagwati Market be shifted to Option II, i.e. Tanga Stand, Moti Nagar which is adjacent to the existing public toilet. Ward No. 100.”

8. The grievance of the learned counsel for the petitioner is that without following the directions in the afore-stated Order dated 30.11.2022 and the subsequent Orders passed by this Court and without constructing the shops at the said site, the contemnors/respondents had issued letters to the shopkeepers on 29.07.2025 asking them to shift to the bare Tehbazari sites at Tanga Stand, Moti Nagar within a period of two weeks by vacating the



existing shops at Bhagwati Market, failing which, there shall be forcible removal of the structures and belongings of the shopkeepers at Bhagwati Market. In reliance, the petitioner has placed on record the photographs of the vacant site in support of their argument that no construction of shops have begun on the said site at Moti Nagar.

9. It is stated that despite writing a letter to the contemnors to withdraw the letter dated 29.07.2025, the contemnors had verbally refused to withdraw the said letter.

10. Heard.

11. The aforesaid Order dated 30.11.2022 passed by the Division Bench of this Court directed that upon handing over the possession of the shops to the shopkeepers of Bhagwati Market, the Tehbazari holders i.e. the petitioner association shall hand over the vacant and peaceful possession of the shops at Bhagwati Market to the MCD within a period of 30 days thereafter. As per the submissions of the petitioner, supported by the photographs, the MCD has issued the impugned letter without constructing shops at the site, asking them to vacate the shops.

12. Issue notice to the respondents through all permissible modes, returnable on 18th August, 2025 before the Regular Roster Bench.

13. In the meantime, the respondents are restrained from taking any coercive action in pursuance to the letter dated 29.07.2025 till the next date of hearing.

RENU BHATNAGAR, J

AUGUST 14, 2025/pr/sm