

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

+ W.P.(C) 10666-77/2005

HAKIM ARJUN SINGH & ORS.

..... Petitioners

Through Mr. Sumit Kumar Khatri, Advocate.

versus

MCD

..... Respondent

Through Mr. Anoop Bagai, Standing Counsel &
Mr. Devendra Nautiyal, Advocate for the MCD.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 11.02.2008

1. The petitioners herein were licensee/occupants of about 20 shops situated at Roshanara Road, near Pulbangash, Delhi. It is admitted by the learned counsel for the petitioners that the petitioners were not owners of the said shops and were licensees.

2. The shops in occupation of the petitioners were owned by MCD and were acquired by the Delhi Metro Rail Corporation for construction of the metro in Delhi. Delhi Metro Rail Corporation paid compensation for the said land to the MCD and thereafter in the year 2002 wrote to the petitioners informing them that they should vacate the shops.

3. It is admitted that on 20th May, 2003 possession of the shops was taken over by Delhi Metro Rail Corporation and area has been utilised for the construction of the metro network.

4. In the month of March, 2003, MCD informed the petitioners that they are being offered built up shops on perpetual lease basis at a cost of Rs.3,07,900/- (estimated) subject to final construction cost calculated and also approval of the Corporation. The petitioners did not accept and comply with the offer of allotment. No payments were made. It may be noted here that the shops being allotted to the petitioners at Sanjay Gandhi Transport Nagar were on permanent lease hold basis and not on licence fee basis. The rights being offered to the petitioners were better, than mere rights as licensees. The petitioners, it appears, made some representations to the MCD for an alternative site but the same were not accepted. In the representations, the petitioners had prayed that they should be allotted shops at Indra Market and they should not be relocated at Sanjay Gandhi Transport Nagar.

5. In the month of February, 2005 after nearly two years from the date the petitioners were dispossessed, the present writ petitions were filed. It is submitted that the petitioners should be allotted shops at Indra Market instead of Sanjay Gandhi Transport Nagar. Objections were raised by the Registry and it took the petitioners almost three months to rectify the said objections and the petition was refiled on 30th May, 2005. It is apparent from the above that the petitioners are guilty of undue delay and laches. The petitioners have approached this Court only in February-May, 2005 though the offers were made to them in March, 2003. This delay remains unexplained. The respondents have also in the counter affidavit referred to similar writ petitions, which were filed in the year, 2003 being W.P. (C) Nos. 377/2003, 3909/2003 and 479/2003 titled ***Manohar Lal versus Government of NCT of Delhi & Others, Sanjeev Sethi & Another versus Government of NCT of Delhi & Others*** and ***Arjun Singh versus Government of NCT of Delhi & Others***. These writ petitions were dismissed by the Court holding, inter alia, that the petitioners therein had no right to claim re-location only at Indra Market, when they had been given benefit of re-location at Sanjay Gandhi Transport Nagar.

6. The petitioners' cases are not different and are similar to cases of ***Manohar Lal, Sanjeev Sethi & Another*** and ***Arjun Singh*** and accordingly will meet the same fate. If at all, the petitioners have approached this Court belatedly and,

therefore, their claim is weaker. I do not, therefore, find any merit in the present writ petitions and the same are dismissed.

7. Learned counsel for the petitioners at this stage states that the petitioners will make a representation to the MCD for allotment of shops at Sanjay Gandhi Transport Nagar. The petitioners may make a representation within ten days. MCD may consider and dispose of the representation in accordance with their policy within two months.

SANJIV KHANNA, J.

FEBRUARY 11, 2008

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