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

\+ W.P.(C) 5463/2015

NARENDER SINGH ..... Petitioner
Through: Mr Manish Jain, Adv.

versus

PUBLIC GRIEVANCES COMMISSION & ORS ..... Respondents
Through: Mr Gautam Narayan & Ms Asmita Singh, Advs.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% **26.05.2015**

CM No. 9833/2015 (Exemption)

1. Allowed subject to just exceptions.

WP(C) 5463/2015 & CM No. 9832/2015 (Stay)

2. This is a writ petition, whereby challenge is laid to the order dated 02.03.2015 (signed on 10.03.2015), passed by the Public Grievance Commission (PGC). Consequential challenge is also laid to communication dated 06.05.2015, issued by respondent no.2 in favour of respondent no.3. There is also a challenge laid to communication dated 20.05.2015 addressed by respondent no.3 to the petitioner herein.

3. Briefly, the grievance of the petitioner is that, based on the recommendations of the PGC, the liquor vend run and managed by the Delhi Tourism & Transportation Development Corporation Ltd., i.e., respondent no.3, is proposed to be shifted from existing place to another venue.

3.1 Presently, the liquor vend run by respondent no.3 is operating from the shop no. 15, Automobile Truck Market, Pandav Nagar, Patparganj, Delhi; a premises which I am told is owned by the petitioner.

3.2 It is in this context that the recommendations of the PGC, which are dated 02.03.2015, are impugned.

3.3 Contextually, it would be relevant to note the decision taken by the Excise Department, i.e., respondent no.2, to grant its approval for shifting the liquor vend from the aforementioned premises to a shop at Khasra No. 14 & 15, Main Road, Kotla Village, Mayur Vihar, Phase-I, Delhi- 110091 is contained in communication dated 06.05.2015; to which I have made a reference hereinabove.

4. According to me the writ petition is thoroughly misconceived. The reason for the same is that, for various reasons, the PGC, while considering other aspects of the matter, also recommended that operation of liquor vend from a truck terminal may not be advisable. The reasons given by the PGC are set out in paragraph 4.10 of the proceeding of the PGC dated 02.03.2015 (signed on 10.03.2015). For the sake of convenience, the same are extracted hereinbelow:

> "....4.10 Liquor shop at truck terminal: The Public Grievance Commission has already emphasised that though the liquor vend at the truck Terminal may confirm with the Excise Act and Rules, but the liquor vend, at a Truck Terminal, mostly frequented by the drivers, is not advisable. The liquor vend at this particular place is unwarranted. By having a liquor vend at the Truck Terminal, a facility has been made available for drivers, which is dangers (sic). The Delhi Traffic Police and local police agree that liquor vend should not be there at the Truck Terminal. The deployment of private security guards by DTTDC would not be of much help in curbing drinking of liquor in public place. The private security guards, can only supervise the area, in the immediate vicinity

> of liquor vend, but being a truck terminal, the consumption of liquor can be in the vehicles, coming for repairs at the Truck Terminal and also, in the shops. It is imperative that the liquor vend should be shifted from the truck terminal to some other place. The shifting of liquor vend will not harm the government revenue, as is being contended by DTTDC and Excise Department, as revenue will start flowing from the vend, where it is shifted.
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> The Managing Director & CEO, DTTDC and Chief Manager (Liquor), DTTDC, are once again requested to ensure that the liquor vend is shifted from the truck terminal to some other place. A senior representative shall be deputed to attend the next hearing along with an action taken report, detailing the plan of action to shift the liquor vend.
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> SHO, PS Mandawali and Addl. DCP, East District, Delhi Police are requested to ensure vigorous action against consumption of liquor in public place and drunken driving, particularly, in and around the Truck Terminal. A senior representative shall be deputed to attend the next hearing along with an action taken report....."

4.1 A perusal of the above extract would show that the PGC's view was only recommendatory both in tone and tenor. As a matter of fact, a request was made to DTTDC/ respondent no.3 to shift the liquor vend from the existing venue. There is nothing to suggest that respondents could not have acted according to their own volition.

5. Learned counsel for the petitioner says that the stand taken by the Excise Department/ respondent no.2 in its communication dated 27.02.2015 was contrary to their stand as reflected in the communication dated 06.05.2015. Learned counsel thus contends, that the Excise Department/ respondent no.2 initially took the stand before the PGC, that if the liquor vend is shifted from its present location, it would, inter alia, lead to sale of

illicit/ illegal liquor.

6. Be that as it may, the record shows that the Excise Department/ respondent no.2 has revisited its stand, and thereafter, given approval to respondent no.3 to shift its liquor vend from the existing premises to the new premises. The court cannot interdict this process at the behest of the petitioner. The petitioner has no enforceable legal right. The petitioner is free to make good use of his property in myriad ways including by letting out the same for some other purpose.

7. The writ petition and the application are, accordingly, dismissed.

RAJIV SHAKDHER, J

MAY 26, 2015
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