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

+ **W.P.(C) 939/2016 & C.M.Nos.4073-4074/2016**

NAZAR ALAM

..... Petitioner

Through Mr.Rajiv Dewan, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through Ms.Mahua Kalra, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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03.02.2016

C.M.No.4074/2016

Allowed, subject to just exceptions.

Application is disposed of.

W.P.(C) 939/2016 & C.M.No.4073/2016

Present writ petition has been filed with the following prayers:-

“a) Call for the entire record of the respondents pertaining to the matter in question including the entire record of all the licensees/occupants of all shops/kiosks/counters all three ISBTs i.e. ISBT Kashmere Gate, ISBT Anand Vihar, ISBT Sarai Kale Khan;

b) Issue a writ under Article 226/227 of the Constitution of India in the nature of mandamus or any other order/direction whereby quashing/setting aside the Clause B-1 of the Agreement dated 14.1.2013 executed between the petitioner and the respondents be issued;

c) Also to quash and set aside the letters

No.DTIDC/2011-12/0014/723 dated 14./10.2014 and No.DTIDC/2013-14/449/PT-2/416 dated 01.07.2015;

d) Also for issuance of writ in the nature of mandamus or any other order/direction directing the respondents to treat the petitioner at par with other licensees of ISBT, Vivekanand Inter State Bus Terminus, Anand Vihar, Delhi and ISBT Veer Hakikat Rai, Inter State Bus Terminus, Sarai Kale Khan, Delhi without any discrimination of any kind whatsoever;

e) Also direct the respondents to regularize/renew/extend the license of the petitioner of his shop No.38, ISBT, Maharana Pratap, Kashmere Gage, Delhi for a further period of three years on reasonable/usual terms and conditions.

f) Also direct the respondents to allow the petitioner to retain the aforesaid shop No.38, ISBT, Maharana Pratap, Kashmere Gage, Delhi till further orders and further any other writ in the nature of prohibition from dispossessing the petitioner from the shop in question and not to allot the same to anybody else except to the petitioner, through any means as such, by way of new tender/auction etc;

g) It is also prayed that the respondents be restrained from taking any coercive methods in order to evict/dispossess the petitioner from the shop in question;

h) It is further prayed that the respondents be directed to seek the tender/to put 20 shops at ISBTs Kashmere Gate, Anand Vihar and Sarai Kale Khan respectively instead of seeking the new tender/putting the shops of the petitioner in auction;'

i) Or in the alternate direct the respondents to allow the petitioner to retain possession of the shop No.38, ISBT, Maharana Pratap, Kashmere Gage, Delhi till further

allotment is made to somebody else.

j) Allow the cost of the proceedings.”

At the outset, learned counsel for confines the relief in the petition to grant of permission to use/occupy Shop No.38, ISBT, Maharana Pratap, Kashmere Gate, Delhi, till the time respondents issue notices inviting tenders in respect thereof. He refers to the order dated 07th December, 2015 passed in a batch of writ petitions including W.P.(C) 11333/2015, which were disposed of while granting time to the petitioners therein, who are similarly situated as the petitioner, to vacate the shops/kiosks occupied by them till 31st January, 2016 or till the time tenders are issued, whichever is later.

Learned counsel for petitioner undertakes to this Court that the petitioner shall remove himself from the entire shop/kiosk in his use and occupation on or before the date the notice inviting tender is issued and would continue to pay the occupation charges.

Consequently, the present writ petition and application is disposed of in accordance with the following directions:-

- (i) The petition is dismissed as withdrawn.
- (ii) However the petitioner is granted time, to vacate the shop/kiosk in his occupation till the tenders are issued.
- (iii) If the petitioner is in breach of his undertaking or any part thereof, the tender or application for allotment if any filed by him shall not be considered and he would be ineligible on this ground alone.

- (iv) If the petitioner is in breach of his undertaking or any part thereof, the respondents, besides proceeding against him for contempt of undertaking given to the Court, shall be entitled to forcibly remove him from the shop/kiosk.

Order *dasti*.

MANMOHAN, J

FEBRUARY 03, 2016
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