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

+ W.P.(C) 1510/2016 & CM APPL. 6523/2016

KIRAN KALRA SOLE PROPRIETOR OF
 M/S SHARDA FLOWERS Petitioner
 Through Mr. Samrat Nigam with
 Mr. Abhimanyu Wazia, Advocates

versus

GOVERNMENT OF NCT OF DELHI
 & ORS. Respondents
 Through Ms. Sija Nair Pal with Mr. Rishikesh
 Kumar Yadav, Advocates for R-1 to
 3.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
24.02.2016

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Present writ petition has been filed challenging the order dated 29th October, 2010 passed by respondent no. 4 whereby petitioner's application for issuance of B grade licence was rejected on the ground that despite repeated inspections petitioner's flower shop was not found working at main market Mehrauli/sub market Fatehpur.

Petitioner further challenges the order dated 26th April, 2011 passed by respondent no. 3 whereby petitioner's appeal against the order dated 29th October, 2010 was dismissed on the ground that petitioner was unable to substantiate any claim for issuance of B grade licence.

Mr. Samrat Nigam, learned counsel for the petitioner states that petitioner till 2013 continued to carry out her flower trade at Fatehpuri.

Mr. Nigam states that respondent no. 3 while rejecting petitioner's application for grant of B grade license failed to appreciate that petitioner had been depositing the market fee regularly with respondent no. 4 and on occasions if there was delay in depositing the said market fee, the respondent no. 4 used to issue notice to the petitioner. He states that there is no explanation as to why respondent no. 4 accepted market fee in case, petitioner was not carrying out any trade in the field.

Having heard learned counsel for petitioner, this Court is of the view that the present writ petition is barred by delay and laches as the rejection of petitioner's application for grant of B grade licence took place more than five years back.

In *State of Madhya Pradesh and another Vs. Bhailal Bhai & Anr.*, **AIR 1964 SC 1006**, the Supreme Court has held as under:-

“.....Learned Counsel is right in his submission that the provisions of the Limitation act do not as such apply to the granting of relief under Art.226. It appears to us however that the maximum period fixed by the legislature as the time within which the relief by a suit in a civil court must be brought may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Art.226 can be measured. This Court may consider the delay unreasonable even if it is less than the period of limitation prescribed for a civil action for the remedy but where the delay is more than this period, it will almost always be proper for the Court to hold that it is unreasonable.....”

The Supreme Court in *Banda Development Authority, Banda Vs. Moti Lal Agarwal & Ors.*, (2011) 5 SCC 394 has held as under:-

“ 17. It is true that no limitation has been prescribed for filing a petition under Article 226 of the Constitution but one of the several rules of self-imposed restraint evolved by the superior courts is that the High court will not entertain petitions filed after long lapse of time because that may adversely affect the settled/crystallised rights of the parties. If the writ petition is filed beyond the period of limitation prescribed for filing a civil suit for similar cause, the High Court will treat the delay unreasonable and decline to entertain the grievance of the petitioner on merits.”

(emphasis supplied)

Since licenses have been granted in the meantime to other flower traders, this Court is of the view that no interference is called for in the present writ petition and the same along with the application is dismissed on the ground of laches.

MANMOHAN, J

FEBRUARY 24, 2016

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