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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 1674/2016

AFSANA

..... Petitioner

Through: Mr. J.A. Chaudhary, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Rizwan, Advocate for Mr. Santosh
Kumar Tripathi, Advocate for GNCT
of Delhi.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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29.02.2016

Present writ petition has been filed challenging the order dated 19th February, 2016 whereby the petitioner's representation for shifting of her existing shop i.e. Shop No.67 to a vacant shop in the Departure Block area of ISBT, Kashmere Gate, Delhi, was rejected.

The impugned order dated 19th February, 2016 is reproduced hereinbelow:-

“ In compliance to the orders of Hon'ble High Court of Delhi dated 25.01.2016 in the matter of WPC No.614/2016, the petition of Smt. Afsana, licensee of shop No.67, Arrival Block, ISBT, Kashmere Gate, Delhi has been considered as her representation for change of her existing shop with the vacant shop in Departure Block area of ISBT, Kashmere Gate and the same has been rejected by the competent authority on the following grounds:-

- 1. That while the petitioner/applicant may be claiming a vacant shop in the departure of area of ISBT, Kashmere Gate, Delhi, if allowed, similar such demands can come from other licencees (presently in Arrival Area) and this office may not be able to accommodate all such requests, thereby violating principles of equity.*
- 2. That since the licence period of existing shop No.67, ISBT, Kashmere Gate, Delhi is anyways expiring on 22.7.2016, the change of premises at this belated stage is not acceptable.*
- 3. That the case of petitioner comparing herself with a 100% visually handicapped person Sh. Daya Swaroop, licencee of shop No.29 Departure Block, ISBT, Kashmere Gate, Delhi, is illogical as special privileges are borne upon such cases, as a welfare measure for disadvantaged groups.*

The petitioner/applicant is further informed that a comprehensive policy on the subject matter is presently under consideration with DTIDC and, if in the final policy, there is any provision for such 'swapping' of shops, the benefit would be extended to her. It is further intimated that this office will soon invite tenders for the vacant shops in Departure Block, ISBT, Kashmere Gate, Delhi and petitioner/applicant, if she wishes to have a shop in the Departure Block area, may participate in tender process, as per her eligibility."

Learned counsel for petitioner states that ever since the buses have been removed from the platform in front of the petitioner's shop, there is no footfall of any passenger and the petitioner is suffering adverse economic consequences. He also states that certain shops are lying empty with the respondent No.3.

However, a perusal of the paper book reveals that petitioner's licence period is shortly coming to end i.e. on 22nd July, 2016. Respondent No.3 has also stated in the impugned order that if in the final policy there is any

provision for swapping of shops, the said benefit would be extended to the petitioner.

In the opinion of this Court, petitioner also cannot compare herself to a visually handicapped person like Mr. Daya Swaroop. There is nothing arbitrary or unreasonable in the impugned order warranting interference in writ jurisdiction.

Consequently, present writ petition is dismissed. However, the petitioner is given liberty to file a claim for damages if she so desires, in accordance with law.

MANMOHAN, J

FEBRUARY 29, 2016

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