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

+ **W.P.(C) 1520/2015 & CM Appls. 2709/2015, 9525/2015**

RAJIV NANDA

..... Petitioner

Through: Ms. Seema Bengani, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Amiet Andlay, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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06.04.2016

The present writ petition has been filed with the following prayers:-

- “a) Mandamus, directing the Respondent authorities to remove the PCO/STD/ISD booth under dispute from the head “death case” and*
- (b) Issue a Writ of mandamus, directing the respondent authorities to renew the license for the PCO/STD/ISD booth adjoining shop no.B1 at Vivekananda ISBT Anand Vihar, Delhi in the name of the Petitioner and issue receipt of license fees in his name or*
- (c) Pass any other order or order(s) or directions deemed fit and proper in the facts and circumstances of present case.”*

At the outset, learned counsel for petitioner confines her relief in the petition to grant of permission to use/occupy Shop No. B1 at

Vivekananda ISBT Anand Vihar, Delhi till the time respondents issue notices inviting tenders in respect thereof. She 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 herein, to vacate the shops/kiosks occupied by them.

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 is issued and would continue to pay the occupation charges.

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

- (v) The petition is dismissed as withdrawn.
- (vi) However the petitioner is granted time, to vacate the shop/kiosk in his occupation till the tenders are issued.
- (vii) 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.
- (viii) 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

APRIL 06, 2016
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