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

+ W.P.(C) 2992/2016

NAWAL KISHORE

..... Petitioner

Through: Mr. Shiv Charan Garg with Mr. Imran
Khan, Advs.

Versus

THE GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Sanjoy Ghose, ASC for R-1,2&4.
Mr. Ajjay Aroraa, Adv. for NDMC.
Mr. Rajesh Kumar, Asstt. Div. Officer, Delhi Fire
Service.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **02.05.2016**

CM No.12574/2016 (*exemption*)

Allowed, subject to all just exceptions.

W.P.(C) No.2992/2016

1. This petition by way of public interest litigation has been filed alleging that the respondents No.1 to 3 had allowed restaurants/bars including the respondents No.5 to 10 herein to run in contravention of the statutory provisions. Accordingly, a mandamus is sought to direct the respondents No.1 and 2 to revoke the bar/restaurants licenses of the respondents No.5 to 10.

2. The petitioner had earlier filed W.P.(C) No.5475/2014 with an identical prayer alleging that the liquor vends of the respondents No.5 to 10 herein were situated within the prohibited distance of 100 mtrs. The Deputy Commissioner (Excise), Govt. of NCT of Delhi filed an affidavit denying

the said allegation and also furnished the details of the distance between the restaurant and bars in question and the educational institutions/religious places. Though, the said writ petition was dismissed as withdrawn, the petitioner was granted liberty to file an appropriate writ petition raising the issues pertaining to misuse of property and parking problems/nuisance and fire safety in the area.

3. The learned counsel for the petitioner submits that the present writ petition has been filed in terms of the said liberty granted and that it is necessary in the interest of justice to direct the respondents No.1 and 2 to revoke the license of the respondents No.5 to 10 and to take penal action against them.

4. Shri Sanjoy Ghose, the learned ASC accepted notice for the GNCTD and Shri Ajjay Aroraa, the learned standing counsel for North Delhi Municipal Corporation appeared on behalf of the respondents No.1 to 4 on advance notice. It is submitted by both the counsels that all necessary steps would be taken to ensure compliance of the statutory requirements by the respondents No.5 to 10 and in case of any deviation appropriate action would be taken in accordance with law.

5. The statement of the learned counsels is placed on record and the writ petition is accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

MAY 02, 2016/kks