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

+ **W.P.(C) 3342/2016 & C.M.Nos.14231-14232/2016**

JAGDISH KUMAR BATRA AND ANR Petitioners

Through Mr.Sanjeev Narula, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) AND ORS Respondents

Through Mr.Devesh Singh, ASC for R-1.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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22.04.2016

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 (original of which is with the respondents and the petitioner does not have a copy of the same) executed between the petitioner and the respondents be issued;

c) Also to quash and set aside the letters No.DTIDC/2011-12/0014/710 dated 07.10.2014 and Letter No. 16(34)98/ISBT/AV 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.49 and 48 at ISBT, Maharana Pratap, Kashmere Gate, 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.49 and 48, ISBT, Kashmere Gate, 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 petitioners, 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.49 and 48, ISBT, Maharana Pratap, Kashmere Gate, Delhi till further allotment is made to somebody else.

j) Allow the cost of the proceedings.

K) Pass such further orders or directions as this Hon'ble Court may deem fit, appropriate and proper in the facts and circumstances of the present case."

At the outset, learned counsel for the petitioners confines his relief in the petition to grant of permission to use/occupy shop nos. 48

& 49 ISBT, Maharana Pratap, Kashmere Gate, Delhi till the time respondents issue notices inviting tenders in respect thereof. He refers to the order dated 7th 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 petitioners herein, to vacate the shops/kiosks occupied by them.

Learned counsel for petitioners undertakes to this Court that the petitioners shall remove themselves from the entire shops/kiosks in their use and occupation on or before the date the notices are issued and would continue to pay the occupation charges.

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

- (i) The petition is dismissed as withdrawn.
- (ii) However the petitioners are granted time, to vacate the shops/kiosks in their occupation till the tenders are issued.
- (iii) If the petitioners are in breach of their undertaking or any part thereof, the tender or application for allotment if any filed by them shall not be considered and they would be ineligible on this ground alone.
- (iv) If the petitioners are in breach of their undertaking or any part thereof, the respondents, besides proceeding against them for contempt of undertaking given to the Court, shall be entitled to forcibly remove them from the shops/kiosks.

Order *dasti*.

MANMOHAN, J

APRIL 22, 2016
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