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

+ **W.P.(C) 1709/2017 and CM APPL. 7638-39/2017**

VIJAY KUMAR

..... Petitioner

Through: Ms. Shobhana Takiar, Advocate

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Mr. Vivek B. Saharya, ASC with
Mr. Mananjay K. Mishra, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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23.02.2017

1. The present petition has been filed by the petitioner praying *inter alia* for issuance of a writ of mandamus, directing the respondent/NDMC to transfer and renew the licence of Kiosk No.15 at Gandhi Sadan, Mandir Marg, New Delhi, in his favour in terms of the extant policy.
2. Ms. Takiar, learned counsel for the petitioner states that the petitioner has submitted several representations to the respondent/NDMC with the aforesaid request but has not heard from them till date. The last representation submitted by the petitioner in this regard was received by NDMC on 07.02.2017, but to no avail.
3. Mr. Saharya, learned counsel for the respondent/NDMC, who appears on advance notice, states on instructions that the subject Kiosk was inspected by the officers of the Department on 19.10.2016 and the petitioner

was not found in occupation thereof. As a result, the respondent/NDMC is proposing to issue notices to show cause to the original allottee, the petitioner and the person found in occupation of the Kiosk in question when the inspection was conducted, calling upon them to give replies. He states that it shall take about six weeks for the respondent/NDMC to issue the said notices.

4. As and when the petitioner receives the aforesaid notice from the respondent/NDMC, he shall be entitled to submit a reply, which shall be considered and decided by the respondent/NDMC in accordance with law, within six weeks from the date of receipt of reply, under written intimation to him. If the petitioner is aggrieved by the decision that may be taken by the respondent/NDMC, he shall be entitled to seek his remedies in accordance with law.

5. The petition is disposed of alongwith the pending applications.

FEBRUARY 23, 2017

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HIMA KOHLI, J