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

+ **W.P.(C) 1872/2017**

AFAQ HUSSAIN CHAUDHARY Petitioner

Through: Ms Amita Singh and Mr Prashant
Singh, Advocates.

versus

JOINT COMMISSIONER OF POLICE (LICENSING)

& ANR

..... Respondents

Through: Mr Gautam Narayan, ASC, Civil,
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.07.2017

CM No.25025/2017

1. This is an application for early hearing.
2. For the reasons stated in the application, the same is allowed and the petition is taken up for a hearing today.

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3. The petitioner has filed the present petition impugning an order dated 08.02.2017 passed by the Lieutenant Governor of Delhi.
4. By an order dated 29.07.2016, the petitioner had been denied license by the Joint Commissioner of Police (Licensing Unit), Delhi for running a guest house under regulations for Keeping Places of Public Entertainment in the Union Territory of Delhi, Regulations 1980.
5. By an order dated 29.07.2016 passed by the Joint Commissioner of

Police (Licensing Unit), Delhi the petitioner's application for license for running a guest house in respect of M/s Park View Guest House, Plot No.29 (old), New No.A-96, Gazipur Village, Delhi-110096 was denied.

6. Apparently, this was on the basis of a report furnished by DCP (East); this report, in turn, was pursuant to other reports submitted by the Sub-Inspector as well as the complaints furnished by the residents of the locality.

7. Aggrieved by the aforesaid decision, the petitioner preferred an appeal before the Lieutenant Governor, NCT of Delhi. Considering the grievance of the petitioner, the Lieutenant Governor directed the Special Commissioner to conduct an inquiry and furnish a report. It appears that the Special Commissioner did not conduct a separate or independent inquiry but relied on the inquiry that was earlier conducted by the DCP(East) on the basis of which the petitioner's application for lodging license had been rejected. The Lieutenant Governor relied on the report of the Special Commissioner and, consequently, by the impugned order rejected the petitioner's application.

8. Mr Gautam Narayan, learned counsel for the respondent states, on instructions that the petitioner's contention that no fresh inquiry had been conducted is correct and the Special Commissioner had relied on the material that was already available; that is, complaints of residents and the report(s) of the Sub-Inspector. He further submitted that there was no objection for conducting a fresh and independent inquiry.

9. In view of the same, the impugned order is set aside and the matter is remanded to the Lieutenant Governor, with a direction that the Special Commissioner of Police (Special Branch Intelligence) conduct an independent inquiry and submit a report to the Lieutenant Governor. The

Lieutenant Governor shall consider the same and pass such orders as he considers fit in accordance with law.

10. It is expected that the inquiry will be completed within a period of six weeks and the Lieutenant Governor would dispose of the petitioner's appeal within a period of eight weeks, thereafter. The Special Commissioner will be at liberty to call the petitioner and hear his version before submitting its final report.

11. The present petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

JULY 19, 2017

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