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

+ W.P.(C) 6436/2017

DAYA SWAROOP

..... Petitioner

Through: Mr M. K. Perwez, Advocate.

versus

GNCT OF DELHI AND ANR

..... Respondents

Through: Mr Rajat Malhotra, and Mr Sunil Malhotra, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.08.2017**

CM No.26624/2017

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The learned counsel for the respondents has handed over a copy of the Office Memorandum dated 01.08.2016 which sets out the policy on the basis of which shops are allotted. Paragraph 6(a) of the said policy indicates that 5% of the shops are reserved for “persons with disabilities”. Admittedly, the petitioner is a person with disabilities and would qualify for availing the said quota. However, the petitioner is required to compete with other persons in the same category for securing an allotment.
4. Admittedly, the term of the licence granted to the petitioner is over and he is unauthorisedly occupying the shop in question (shop no.29 at

ISBT, Kashmere Gate).

5. At this stage, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to challenge the said policy. He was called upon to indicate the grounds for the same and was also permitted to make submissions in this regard; however, he is unable to do so. Thus, this court finds no reason to provide any such liberty. Notwithstanding the same, the learned counsel seeks withdrawal of the present petition.

6. The learned counsel for the respondents states that the petitioner had already obtained interim orders by filing the suit before the Civil Judge, Central District, Tis Hazari, Delhi and in the present petition has undertaken to withdraw the said suits and thus cannot be permitted to withdraw the present petition and must be compelled to withdraw the suits as undertaken by him.

7. This Court is not inclined to decline the petitioner's request for withdrawal of this petition. Insofar as the interim orders passed in the suits filed by the petitioner are concerned, the respondents are at liberty to file an appropriate application for vacation of the said orders and/or dismissal of the suit.

8. The petition is dismissed as withdrawn with the aforesaid observations.

9. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 17, 2017
MK