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

+ W.P.(C) 8906/2017

DAVINDER SINGH

..... Petitioner

Through: Mr Tarun Sharma with Ms Akanksha
Kapoor and Mr Rahul Gupta,
Advocates.

versus

COMMISSIONER OF DELHI POLICE

..... Respondent

Through: Mr Sanjoy Ghose and Mr Rhishabh
Jetley, Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.10.2017**

CM No.36420/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 8906/2017 & CM No.36419/2017

2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“b) issue the appropriate Writs of Mandamus & Certiorari or Directions to the Respondent, Commissioner of Delhi Police, for the grant of a Temporary Fire Works License in favour of the Petitioner by setting aside the arbitrary, discriminatory & illegal Impugned Order passed by the Deputy Commissioner of Police: North District: Delhi Police dated 07.10.2017 for the reason of the same being in violation of the Articles-14, 19(1)(g) & 21 of the Constitution of India.”

3. The petitioner had applied for a temporary licence for the sale of fire

crackers during the festival season of Diwali, which was rejected by the order dated 07.10.2017 (which is impugned herein in this petition).

4. It is pointed out by the learned counsel for the respondent that the Supreme Court by an order dated 09.10.2017 passed in IA No.9286/2017 in Writ Petition (Civil) 728/2015, has directed that the licences already issued will become effective only from 01.11.2017. The Supreme Court had further directed that any temporary licences issued would stand suspended forthwith and there would be no further sale of crackers in Delhi and NCR. Thus, notwithstanding the petitioner's grievance in this petition, the petitioner would not be entitled to a temporary licence for sale of fire crackers during this festival season. It is also pointed out that the petitioner's application was for a temporary licence, the validity of which, in any event, would have expired on 21.10.2017. Thus, even if the petitioner was granted the licence, it would be of little use to him.

5. In this view, this Court is not inclined to examine the controversy whether the temporary licence was rightly denied to the petitioner on the ground that its shop was located at the distance of less than 5 km from another shop selling fire cracker.

6. The petition is, accordingly, disposed of.

7. Nothing stated in this order would preclude the petitioner for applying for a fresh licence (as and when such fresh temporary licence is permitted to be issued).

8. Order *dasti*.

VIBHU BAKHRU, J

OCTOBER 10, 2017/MK