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

+ W.P.(C) 10415/2017

AFAQ HUSSAIN CHAUDHARY Petitioner
Through: Mr Amit Yadav and Mr Prashant
Singh, Advocates.
versus

JCP (LICENSING) AND ANR. Respondents
Through: Mr Naushad Ahmed Khan, Addl.
Standing Counsel for GNCTD.
Inspector Sushil Kumar and SI
Sundeep Kumar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **29.11.2017**

CM No. 42560/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 10415/2017 and CM No. 42559/2017

3. Issue notice.
4. The learned counsel appearing for the respondents accepts notice.
5. The petitioner has filed the present petition, *inter alia*, impugning an order dated 18.10.2017 passed by respondent no.2 (Lieutenant Governor, Government of NCT of Delhi), whereby respondent no.2 had upheld the order dated 29.07.2016 passed by respondent no.1 (Joint Commissioner of Police (Licensing)) denying the petitioner's application for grant of lodging licence in respect of M/s Park View Guest House, Plot No. 29(Old), New

No. A-96, Ghazipur Village, Delhi-110096.

6. The petitioner had filed a writ petition seeking a similar relief impugning the order of respondent no.2 dated 08.02.2017 rejecting the petitioner's appeal against denial of the license to run a guest house under Regulations for Keeping Places of Public Entertainment in the Union Territory of Delhi, 1980. The said writ petition captioned ***Afaq Hussain Chaudhary v. Joint Commissioner of Police (Licensing) & Anr.: W.P.(C) 1872/2017*** was disposed of by this Court by the order dated 19.07.2017 with the following directions:-

“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.”

7. In compliance with the aforesaid order, the Special Commissioner had conducted a fresh inquiry and submitted a report dated 28.08.2017.

8. The learned counsel for the petitioner seeks to impugn the finding of the said report on several grounds including that the said report was submitted by the same officer who had submitted the earlier report dated 26.12.2016. It is further claimed that no inspection was carried out on 05.07.2017 as claimed in the said report. The petitioner has also produced the original register maintained at the guest house which indicates that the last entry was made on 18.10.2016. It is emphatically submitted on behalf of the petitioner that the finding that 28 persons had visited the guest house on

05.07.2017 is palpably incorrect, as the guest house was lying closed on the said date.

9. The learned counsel for the petitioner further contends that the petitioner could not address the said issues before respondent no.2, as the report of the Special Commissioner was not made available prior to the hearing afforded to the petitioner before respondent no.2.

10. In the aforesaid circumstances, this Court considers it apposite to provide the petitioner one more opportunity to address its contentions, albeit, limited to the assertions/findings reported in the inquiry report dated 28.08.2017. Accordingly, the matter is remanded to respondent no.2 for consideration of the petitioner's challenge in respect of the report of the Special Commissioner dated 28.08.2017, which form the basis of the impugned order.

11. It is clarified that this Court has not expressed any opinion as to the merits of the contentions advanced by the petitioner.

12. The petition and the application are disposed of with the aforesaid directions.

VIBHU BAKHRU, J

NOVEMBER 29, 2017
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