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

+ **W.P.(C) 10438/2017**

HARBHAJAN SINGH

..... Petitioner

Through: Mr Kirti Uppal, Sr. Advocate with Ms
Manpreet Kaur and Mr Pranvir Sethi,
Advocates.

versus

GNCT OF DELHI AND ANR

..... Respondents

Through: Ms Mini Pushkarna, Standing counsel
for DUSIB/R-2 with Ms Anushruti
and Ms Vasundhara Nayyar,
Advocate.
Mr Sanjoy Ghose, ASC, GNCTD
with Ms Urvi Mohan and Mr
Rhishabh Jetley, Advocates for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.11.2017

CM No. 42651/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 10438/2017 & CM No.42650/2017

2. Issue notice. Learned counsel for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to consider his application for grant of drug licence and to permit him to run the chemist shop at the Ground Floor (half portion of the property, other than the corner shop), portion of

property bearing no.K-516, JJ Colony, Mangol Puri, Delhi-110083. The petitioner has also impugned the Policy Decision dated 02.07.2012 of the respondent inasmuch as it denies such licences to shops located in JJ Clusters.

4. Mr Kirti Uppal, learned senior counsel appearing for the petitioner drew the attention of this Court to a decision of the Coordinate Bench of this Court in ***Naveen v. GNCT of Delhi: W.P.(C) 4419/2012, decided on 13.04.2015*** and submitted that the petitioner's prayer is squarely covered by the said decision.

5. Without going into the question as to the validity of the said policy, Mr Ghose, learned counsel for the respondent states that if the petitioner makes his application on the online portal, the same would be considered in accordance with law.

6. In view of the above, the petitioner may apply on the online portal for the drug licence and it is directed that if such application is made, the same would be considered in accordance with law and also having regard to the decision of this Court in ***Naveen v. GNCT of Delhi (supra)***.

7. Mr Ghose also expressed his apprehension that granting a licence to the petitioner who claims to be a transferee of the property occupied by him, would result in him claiming further rights and equity in respect of the property in question. He pointed out that under the policy of DUSIB, original licencees are not permitted to sub-let or transfer the premises allotted to them. The aforesaid apprehension appears to be merited and, therefore, this Court clarifies that in the event respondent no.1 grants any drug licence to the petitioner, the petitioner shall not claim any equities or rights in the property in question on the strength of grant of such licence.

8. The petition and pending application are disposed of with the aforesaid directions.
9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 24, 2017
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