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

+ LPA NO. 793/2017

ANITA AGHI & ORS.

..... Appellants

Through: Ms. Seema Bengani, Advocate.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: None.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

% **15.12.2017**

1. The present appeal has been placed before us at 5.00 PM on an urgent mentioning being allowed.
2. The three appellants herein, occupants of shops No. 53, 26 and 52, situated at ISBT Kashmiri Gate) are aggrieved by the common judgment dated 04.12.2017 passed by the learned Single Judge in two connected petitions [W.P.(C) Nos. 6335/2016 and 12247/2016] whereunder, a challenge was laid by them to the communications dated 18.7.2016 and 19.7.2016, issued by the respondent No.2/DTIDC, calling upon them to vacate the said shops/kiosks.

3. Arguments on merits have been addressed by the learned counsel for the appellants for some time. We have indicated to her that we are not inclined to interfere in the impugned judgment, as it appears to be well reasoned and is based on a policy for allotment of space to persons with disability, as framed by the respondent No.2. Simply because the appellants, who are also persons with disability were allotted the subject kiosks in the year 1992-1994 and 2000 on a concessional licence fee, cannot be a ground for them to remain in occupation to the exclusion of others, for all times to come.

4. At this stage, learned counsel for the appellants states that instead of pressing the present appeal on merits, the appellants may be granted a reasonable time of three months to vacate the shops in question. She clarifies that upto date licence fee in respect of the said shops have been deposited with the respondent No.2. She undertakes that the appellants shall deposit the licence fee payable for the said period, on the 7<sup>th</sup> day of every month.

5. We are however of the view that a period one month shall be sufficient for the appellants to make alternate arrangements. Accordingly, it is directed that subject to the appellants filing their affidavits within three working days from today, undertaking *inter alia* that they shall hand over the vacant and peaceful possession of the shops in question to the respondents and pay the licence fee till the date of handing over possession, they are granted time upto 31.1.2018 to vacate the subject shops. It is made clear that no request for extension of time shall be entertained.

6. In view of the fact that learned counsel states that there is an urgency in the matter as the respondents have already arrived at the shops to evict the appellants, a copy of this order be given to her ***DASTI***, under the signatures of the Court Master.

**HIMA KOHLI, J**

**REKHA PALLI, J**

**DECEMBER 15, 2017**

ap/rkb