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

+ W.P.(C) 5659/2018 & C.M. No. 22059/2018

SMT. SEEMA GUPTA AND ANR.

..... Petitioners

Through: Mr.Mahabir Singh, Sr. Adv with Ms.
Preeti Singh, Mr. Gagan Deep
Sharma, Dr. Swati Jindal, Mr.Abhay
Kumar and Mr.Mohit Verma, Advs.

versus

NEW DELHI MUNICIPAL COUNCIL THROUGH ITS
SECRETARY AND ANR.

..... Respondents

Through: Mr.Jagdeep Kr. Sharma, Standing
Counsel, Mr.Arjun Malik, ASC and
Mr.Gyanendra Kumar, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 29.05.2018

Vide the present petition, the two petitioners have sought quashing of the show cause notice dated 18th May, 2018 issued by the respondent no.1/NDMC, whereby the petitioners have been asked to relocate to their earlier locations at AIIMS SIJH Subway which had been initially allotted to them on 05th February, 1999 and March, 2000 respectively. Learned senior counsel for the petitioners submits that the aforesaid action of the respondent is wholly arbitrary and discriminatory as even though the petitioners had initially been allotted two shops at the AIIMS/Safdarjung Hospital subway, they had in lieu of the aforesaid shops subsequently been allotted two shops bearing Nos.13 & 14 near gate No.2, Safdarjung Hospital, New Delhi, as the shops originally allotted to them had to be closed due to the metro project.

He further submits that after the petitioners had been shifted to the two newly allotted shops near gate No.2, Safdarjung Hospital, they had submitted an application seeking clubbing of the two new shops and also sought permission for change of trade. He submits that once the petitioners had already paid huge amounts towards clubbing as also for the trade change, at this stage, when the petitioners have already been running their shops at the new site, it would be highly unjust on the part of the respondent to relocate them to AIIMS subway where adequate facilities are still not available.

On the last date, Mr.Jagdeep Kumar, Advocate, who appeared on an advance notice for the respondents, sought time to get instructions.

Today, Mr. Sharma, upon instructions, submits that the decision of the respondents to issue the impugned show cause notice is a well considered one, as it has been decided to demolish all the existing shops which includes the shop presently with the petitioners near gate No.2, Safdarjung Hospital, as the respondents want to carry out road widening activities at the site. He further submits that all the shopkeepers who were initially allotted shops in the AIIMS subway are being relocated back to the same location and, therefore, submits that there is no discrimination vis-a-vis petitioners. He further submits that he has instructions to state that in view of the fact the petitioners were permitted change of trade, the said benefit would be available to them even at the site in the AIIMS subway where they are being asked to revert back. He also assures the Court that since the petitioners have already made a representation seeking clubbing of their shops, the respondents will make efforts to adjust the petitioners in adjacent shops and if found feasible, the petitioners would be permitted to club both their shops.

He submits that, subject to deposit of enhanced licence fee, the petitioners were permitted to club their two shops and also change their trade to general trade with licensable items, whereafter the petitioners had obtained a drug licence and having been running their shops at the present site for the last many years. He further assures the Court that the respondent will not single out the petitioners and the action to shift them along with all other similarly shopkeepers to the old site of AIIMS-SJH Subway, would be undertaken in a comprehensive manner. In view of the aforesaid fair stand taken by the respondents, learned counsel for the petitioner does not press the writ petition.

The writ petition stands disposed of as not pressed.

REKHA PALLI, J.

MAY 29, 2018
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