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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7843/2019 & C.M. APPLN. NOS. 32616-32617/2019**

L. PRATIMA DEVI Petitioner

Through: Mr Girish Kumar, Advocate.

versus

UNION OF INDIA AND ORS. Respondents
Through: Counsel (Appearance not given)

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **22.07.2019**

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

“(A) Pass a writ of mandamus, certiorari or any other writ or order or direction in the nature of writ against the illegal and arbitrary action of the respondents putting red tape/seal upon the beauty parlour of the petitioner and restraining her from earning her livelihood without following due process of law are irrational, unreasonable, arbitrary and unconstitutional being violative of article 14, 15, 19 (1) (g) of The Constitution Of India;

(B) Pass a writ of mandamus, certiorari or any other writ or order or direction in the nature of writ the respondents to renew the license of the petitioner of beauty parlour and to allow the petitioner to continue to operate the beauty parlor allotted being widow of army personal died during the service period and to remove the red tape/seal from beauty parlor or in alternative the petitioner be allowed to operate till the allotment of shop to some other eligible person;”

2. The petitioner's late husband had retired from service with the Indian Army. She has filed the present petition, essentially, praying that she be permitted to operate a beauty parlour from one of the shops located at the Family Welfare Centre, Army Hospital (R&R), Delhi Cantonment. The petitioner was granted a licence for the shop in question approximately seven years ago. And, at the material time her husband was alive. The licence was last renewed for a period of eleven months in June, 2018.
3. There is some controversy as to the manner in which the licence was renewed. The petitioner claims that the licence was renewed orally and all documents in this regard are available with the respondent. However, there is no dispute that the licence to occupy the shop in question has since expired.
4. The petitioner has been carrying on the business of a beauty parlour from the shop in question for, approximately, the past seven years. The respondents are now taking steps to recover possession of the said shop from the petitioner. Aggrieved, the petitioner has filed the present petition.
5. The learned counsel appearing for the petitioner submitted that the petitioner is a widow and the shop was allotted to her for her rehabilitation. He submitted that during the initial period, the licence was granted to the petitioner by virtue of her being the spouse of an ex-serviceman. The licence fee was subsequently reduced upon the demise of her husband.
6. This Court is unable to accept that the petitioner has any right to continue to occupy the said premises. Admittedly, the premises were granted on licence basis for a period of eleven months, which has since expired.
7. In terms of the current policy, the bids were invited for the said shops

and the learned counsel appearing for the respondent states that the shop in question has already been allotted to another eligible person. Although the petitioner had applied for renewal of her licence, she had not participated in the open bidding process, which was commenced by inviting offers from eligible persons.

8. It is also noticed that the allotment of the shops is now reserved only for specified persons – “*War Widows/Widows of defence personnel killed while on duty/Disabled Soldier/Ex-Servicemen & Spouses/Widows of Ex-Servicemen etc.*”. It is, thus, seen that the shops are reserved for allotment to rehabilitate persons who are otherwise equally in need of rehabilitation as the petitioner. Therefore, this Court finds no infirmity with the respondents seeking to allot the shops in an open and transparent manner.

9. In view of the above no relief can be granted to the petitioner.

10. The learned counsel appearing for the petitioner states that various belongings of the petitioner are kept in the said premises, which has now been sealed by the respondents. Clearly, the petitioner cannot be prevented from removing her belongings. The respondents are directed to de-seal the premises. This is subject to the petitioner giving an undertaking to the concerned officer to vacate the premises within a period of one week of the shop being de-sealed.

11. It is clarified that this Court has not examined the manner in which the allotment has been made and this order has been passed solely on two grounds. First, that the term of the licence granted to the petitioner has expired by the efflux of time and she has no right to continue to occupy the premises in question; and second, this Court is informed that the allotment of the premises has already been allotted to another eligible person.

12. The petition is dismissed with the aforesaid directions.
13. The pending applications also stand disposed of.

VIBHU BAKHRU, J

JULY 22, 2019

pkv