

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.256 of 2020

ORDER:

The petitioner is aggrieved by the threat of dispossession by respondents from his Shops and infrastructure at 1 EME Centre, Secunderabad.

Heard Sri Nilesh Narania, learned counsel for the petitioner, and Sri Sudhakar Reddy, learned counsel appearing for the respondents.

The facts are not in dispute. The petitioner is a license holder occupying the space provided by the respondents and running a store selling various items to the defence personnel who are eligible and have access to the said stores. The License Deed was last executed on 02.05.2017 and was valid for eleven (11) months. In the interregnum, the respondents have taken a policy decision vide their notification dated 17.01.2018 whereunder it was resolved that the regimental shops would be reserved entirely for allotment in favour of the specified categories namely, war widows / widows of defence personnel killed while on duty/disabled soldier/ex-servicemen & spouses/widows of ex-servicemen. The policy notification came to be challenged before the Delhi High Court in W.P.(C) No.6026 of 2018, and the writ petition came to be dismissed on 24.07.2019. The said judgment had become final.

On account of challenge to the policy notification, the respondents did not disturb the petitioner though the petitioner's lease had expired in 2018 itself. After the pronouncement of judgment in W.P (C) No.6026 of 2018, the petitioner, apart from three others, was issued a notice on 13.11.2019 stating that he is required to vacate the premises on or before 31.12.2019 to enable the administration to allot the same as per new policy.

It is sought to be contended by the learned counsel for the petitioner that the petitioner may be granted three months further time as the petitioner was neither a party to the proceedings before the Delhi High Court nor did he individually challenge the new policy decision, as such the petitioner could not make alternative arrangement to carry out his business and further the petitioner is yet to recover the investment he made in creating the infrastructure for the present store. The said contention cannot be accepted, for it is not in dispute that the petitioner was aware of the new policy decision of the Government of India which also came to be upheld by the Delhi High Court.

There being no dispute that the petitioner's license period expired in 2018 itself, the petitioner doesn't have any vested right to continue in the premises. It also cannot be said that the petitioner was not given reasonable time to vacate the premises as in the very impugned notice the petitioner was given time till 31.12.2019, and further the judgment of the Delhi High Court in W.P.(C) No.6026 of 2018 was rendered on 24.07.2019. If the petitioner had not made alternative arrangement in spite of having knowledge of all these aspects, if at all anyone is to be blamed, it can be none other than the petitioner himself.

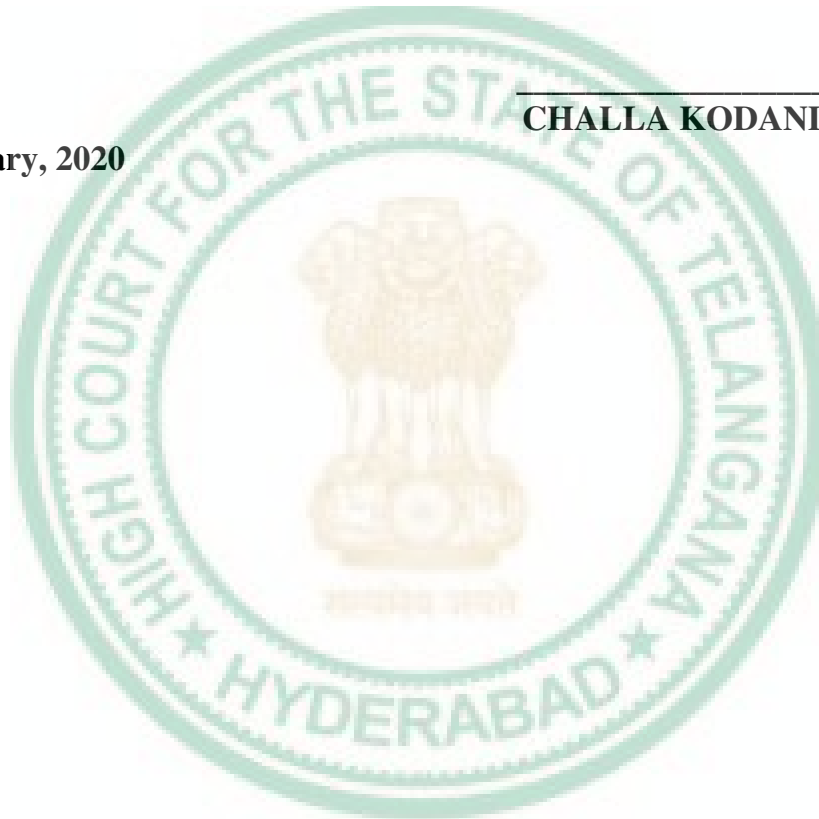
In that view of the matter, the writ petition lacks merit. However, at this juncture, the petitioner has filed an Undertaking Affidavit before this Court seeking indulgence of the Court to permit him to vacate the premises on or before 31.01.2020 which would provide him breathing time to clear the existing infrastructural arrangement in the present store, or to negotiate with the incoming license holders for utilizing the infrastructure on some terms. The Undertaking was put to the respondents and the respondents have left it to the Court to pass appropriate orders.

Considering the request of the petitioner, and further considering that no new license holders have been identified as on date, the Undertaking Affidavit is accepted permitting the petitioner to vacate the premises by 31.01.2020. It is made clear that non-adherence to the Undertaking filed before this Court would invite contempt proceedings.

The writ petition is accordingly disposed of. The Undertaking Affidavit filed by the petitioner shall form part of the order and record. No costs. Miscellaneous petitions, if any pending, shall stand closed.

09th January, 2020
KSM

CHALLA KODANDA RAM, J



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