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

+ W.P.(C) 8847/2024, CM APPLs. 35919/2024, 35920/2024 &
35921/2024

SHARWAN KUMAR

..... Petitioner

Through: Mr.Jitender Mehta, Mr.Lalit Kumar
and Mr.Panjak Mishra, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr,.Vivek Sharma, SPC with
Ms.Prernaa Singh and Mr.Gakul
Sharma, G.P. for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **01.07.2024**

1. The petitioner in the instant petition seeks parity with the decision passed by this Court in W.P.(C) 5183/2024 on 30.05.2024.
2. More specifically, the petitioner herein requests for 30 days' extension for vacating the stall in question, as the said prayer has been acceded to by the Coordinate Bench of this Court in the judgment dated 30.05.2024 for the petitioners therein. The paragraph No.30 of the judgment dated 30.05.2024 passed by this Court reads as under:-

“30. In the circumstances, this Court finds no merit in the present petitions and the same are accordingly dismissed. However, since the petitioners have been operating these minor catering units for a significant period of time, to enable the petitioners to make a transition and make alternative vending arrangement/s, this Court considers it apposite to grant a period of 3 months to the petitioners (from the date of the extended license period after taking into account the dies non period; OR from the date of this judgment, whichever is later) to vacate



the catering units in question. The same shall be subject to payment of usual license fee. It is directed accordingly.”

3. A perusal of the aforesaid paragraph would clearly indicate that this Court, bearing in mind the pendency of the writ petitions and the continuous possession of the stall in question had extended three months’ time to each of the petitioners therein subject to certain conditions. However, in the instant case, it has been pointed out by the learned counsel for the respondent that on expiry of the earlier extended period, the stall in question has already been voluntarily vacated by the petitioner on 18.06.2024.

4. In view of the aforesaid striking difference in the factual circumstances i.e., vacation of the stall by the petitioner, this Court is unable to extend the relief which was granted to the other petitioners in terms of paragraph No.30 of the judgement dated 30.05.2024.

5. Accordingly, the petition stands dismissed alongwith the pending applications.

PURUSHAINdra KUMAR KAURAV, J

JULY 1, 2024/MJ