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

+ W.P.(C) 17294/2024 & CM APPL. 73623/2024

MS KAUSHALYA MEENA

.....Petitioner

Through: Mr. Dinesh Kumar Tiwary with
Mr. Chandan Kumari, Advocates

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Viplav Acharya, Senior Panel
Counsel for UOI with Ms.
Laavanya Kaushik, Govt. Pleader,
UOI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.12.2024

1. This is the second round of litigation instituted by the petitioner in this Court with regard to a license awarded to her for a catering stall at UDHNA Railway Station, Gujarat.
2. The petitioner first filed W.P.(C) 9231/2024 for extension of the license awarded to her by letter dated 26.02.2019. The writ petition was dismissed on 16.07.2024, against which the petitioner approached the Division Bench in LPA 746/2024. The appeal was disposed of by order dated 05.08.2024, which reads as follows:

"1. Present letters patent appeal has been filed challenging the order dated 16th July, 2024 passed by the learned Single Judge of this Court in W.P.(C) 9231/2024, whereby the writ petition filed by the appellant challenging the letter dated 13th September, 2023, issued by respondent no.5 was dismissed. Vide letter dated 13th September,



2023, respondent no. 5 had extended the catering stall license of the appellant by seventy days for dies-non period.

2. After some arguments, learned counsel for the appellant seeks parity with petitioners in W.P.(C) 6771/2024 titled as Ved Prakash Mishra vs. Union of India & Ors., wherein the writ petition was dismissed but three months' extension was granted to the petitioners for vacating their stalls.

3. Though learned counsel for the respondents, who appears on advance notice, opposes the grant of extension on the ground that the appellant petitioner had approached this Court at the eleventh hour and that too, after taking the benefit of seventy days for dies-non period, yet this Court is of the view that as similarly placed minor catering units have been granted extension of time of three months to vacate, the appellant-petitioner is also entitled to the same.

4. Accordingly, the present appeal along with the applications is disposed of giving three month's time to the appellant-petitioner from 19th July, 2024 to vacate her catering stall in question. In the event, the said catering stall is not removed on the expiry of extended ninety days, the respondents shall be at liberty to forthwith remove the goods of the appellant/petitioner, without filing any petition."

3. The petitioner was not satisfied with the extension granted by this Court, and filed SLP (Civil) No. 23728/2024 before the Supreme Court. By order dated 25.10.2024, Supreme Court declined to interfere with the impugned order, but granted time until 27.12.2024 for 'handing over the vacant possession', subject to an undertaking.

4. The aforesaid orders and undertakings have been mentioned in the list of dates of the present writ petition, but not filed with the writ petition. The copies of the orders have been produced in Court and are taken on record.

5. The undertaking filed by the petitioner before the Supreme Court reads as follows:-

"I. I say that I am the Appellant in the present matter and am competent to sign and file the present undertaking. I state that I am aware of the facts of the case and am competent to declare this affidavit.



2. I say that I had filed the SLP(Civil) No. 23728 of 2024 before the Hon'ble Supreme Court of India for provision of Catering Services for SMU Catering Stall located at UDHNA Railway Station on Platform No. 2/3 (New Location) near pole no. 18 south side of pay & use toilet of 'A' class (Scheduled Tribes (Women) Category) which is allotted by Respondents in favour of the Petitioner.

3. That on 25.10.2024, the Hon'ble Supreme Court of India has grant a time for handing over the vacant possession of catering stall in question till 27.12.2024, subject to an undertaking to be given stating that the petitioner will vacate the premises on or before 27.12.2024 within two weeks from today.

4. I say that I hereby giving undertaking to vacate the stall in question as per order dated 25.10.2024 passed by this Hon'ble Court in SLP(C) No. 23728 of 2024 but I reserve my right to file the Review Petition in SLP(C) No. 23728 of 2024.

5. I say that I have gone through the present Affidavit/Undertaking. The contents of the same may be read as a part of this affidavit and same are true and correct."

6. The petitioner has now filed this writ petition seeking renewal of the aforesaid license.

7. After some argument, learned counsel for the petitioner seeks permission to withdraw the writ petition unconditionally.

8. The writ petition, alongwith the pending application, is dismissed as withdrawn.

PRATEEK JALAN, J

DECEMBER 17, 2024

'Bhupi/AD'/'