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

+ **W.P.(C) 2726/2015 & CM APPL. 3437/2017, 2050/2023**

SATISH CHANDRA AND ORS.

.....Petitioners

Through: Mr. Abhishek Kumar, Advocate for
Petitioner No. 3.

versus

JOINT COMMISSIONER OF POLICE AND ANR.Respondents

Through: Mr. M.K.Singh, Advocate for Mr.
Prabhat Kumar, Advocate for MCD.

Ms. Shagun Shahi Chugh and Mr. Utsav A.
Magotra and Ms. Nandita Mishra, Advocates for
Police with Insp Vijay Kaushik from Licensing
unit Delhi Police.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.01.2025

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1. This writ petition is preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“(A) Issue a writ of certiorari quashing the order no. DHO/CITI/2014/1122 dt. 27.11.2014 as passed by the Deputy Health Officer [DHO], City Zone, North Delhi Municipal Corporation, Delhi.

(B) Issue a writ of mandamus directing the respondent no. 1 to forthwith issue Health Trade License in favour of the petitioner.

(C) Further issue a writ of mandamus in directing respondent no. 2 to withdraw the letter no. 2462/Joint C.P./Lic(H) dt. New Delhi the 03.02.2015.”

2. At the outset, learned counsel submits that he has been instructed to appear only for Petitioner No. 3 and as per his information, Petitioners No. 1 and 2, who are brothers of Petitioner No. 3 are no longer interested in prosecuting the writ petition. He further submits that he is also under instruction to withdraw this writ petition on behalf of Petitioner No. 3.

3. By this writ petition, challenge is laid to speaking order dated



27.11.2014 passed by Deputy Health Officer, City Zone, MCD, whereby request of the Petitioners for change of name and renewal of license for running a guest house in the name and style of M/s. Krishna Guest House situated at property no. 1881 GF & 1st floor Haveli Jugal Kishor, Gali Ghante Wali, Chandani Chowk, Delhi was rejected. The order was passed pursuant to directions of this Court in the earlier round of litigation in ***W.P. (C) 1789/2007***, titled ***Satish Chandra v. Deputy Commissioner of Police (Licensing)***.

4. Father of the Petitioners i.e. late Shri Lakhpat Rai was granted a license by MCD in the year 1984 for running a guest house in the name and style of M/s. Krishna Guest House, which was renewed from time to time till 27.09.2006 when the license was cancelled and this led to filing of W.P. (C) 1789/2007. The writ petition was allowed on 07.08.2008 with a direction to the Licensing Authority to renew the license. However, by the speaking order, the request was rejected on the ground that Petitioners were directed to submit fire NOC and MCD Health Trade License and while the fire NOC was submitted but Health Trade License was not furnished despite multiple reminders.

5. This writ petition has been pending since 2015 and from time to time, status reports were filed by MCD. In the last status report dated 05.10.2023, it is stated by MCD that initial license was granted in favour of late Shri Lakhpat Rai with 5 guest rooms and 12 beds. 3 more rooms and 5 lodgers were allowed at the ground floor in the year 1997 and Health Trade License was renewed from year-to-year upto 31.03.2006. Shri Lakhpat Rai expired on 29.02.2004 and license was not renewed after 31.03.2006 due to non-submission of requisite documents and non-payment of processing fee,



amendment charge, property tax, mixed use charge, conversion and parking charge etc. as per MPD-2021. Significantly, it is stated in the report that a fresh inspection of the guest house was conducted on 27.09.2023 by Area PHI, Sh. Mahesh Yadav and it was found that the guest house was not operational and all rooms were locked. A notice of closure was pasted on the main door of the property by the legal heirs of the original licensee.

6. Therefore, as per the status report, the guest house has been closed by the legal heirs of Shri Lakhpatri Rai and this perhaps explains non-appearance of Petitioners No. 1 and 2 in this Court since 22.09.2023. Additionally, counsel for Petitioner No. 3 also seeks to withdraw this writ petition. In view of the status report and the stand of learned counsel, this writ petition is disposed of as withdrawn *qua* Petitioner No. 3 and for non-appearance on behalf of Petitioners No. 1 and 2.

7. At this stage, counsel for Petitioner No. 3 submits that his right to assail the parking and conversion charges be left open as that may have a bearing if in future the license is renewed and Petitioner No. 3 desires to run the guest house.

8. Liberty is granted to Petitioner No. 3 to assail the charges, in accordance with law.

9. Writ petition stands disposed of in the aforesaid terms along with pending applications.

JYOTI SINGH, J

JANUARY 29, 2025/shivam