
(2011) 08 DEL CK 0399

In the Delhi High Court

Case No : Writ Petition (C) 5875 of 2007

Anita Aggi and Others

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 08-08-2011

Acts Referred:

Citation : (2011) 08 DEL CK 0399

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : S.P. Sinha, for the Appellant; Najmi Waziri, Neha Kapoor, Shoaib Haider and Prem Kumar Mishra for GNCTD, for the Respondent

Final Decision : Disposed Off

Judgement

Rajiv Sahai Endlaw, J.—The sixteen Petitioners claiming to be the licencees of space allotted for PCO Booth at Inter State Bus Terminus at Kashmiri Gate, Anand Vihar & Sarai Kale Khan filed this petition seeking mandamus to the Respondents to provide them relief of reduction of licence fee as they claim has been granted to certain other allottees.

2. The counsel for the Petitioners has today contended that of the sixteen Petitioners, ten are physically challenged; that the Respondents have read vide letter dated 23February, 2007 (at page 27 of the paper book) to one Smt. Seema Tiwari suffering from disability of sight, reduced the licence fee payable from Rs. 2,143/- p.m. then payable by the Petitioners also, to Rs. 536/- per month. The Petitioners claim to be similarly situated as Smt. Seema Tiwari and seek similar reduction in the licence fee.

3. Notice of the petition was issued. The counsel for the Petitioners states that the Petitioners till now have been paying licence fee in accordance with the agreement and the concession in licence fee for which the writ petition has been filed is for future only. He has also invited attention to the order dated 22July, 2009 in these proceedings wherein direction was given to the Respondent to

consider allowing the Petitioners use of the space licenced to them for other purposes also since with the advent of the mobiles the need for PCO has disappeared. He further contends that during the process of re-development of ISBT, Kashmiri Gate the Petitioners have already vacated the sites earlier allotted to them on the assurance of being granted alternative site upon re-development being completed.

4. The counsel for the Respondents contends that the writ petition has become infructuous since the licences of the Petitioners have already come to an end and since the Petitioners have now admittedly vacated their respective sites. It is also controverted that any assurance as claimed by the Petitioners, has been meted out to the Petitioners.

5. The counsel for the Petitioners while reiterating that assurance has been so meted out, states that the Petitioners in this petition are not even agitating such claim.

6. Thus the only question for adjudication is whether such of the Petitioners who are physically challenged, in the matter of determination of the licence fee if any payable in future are entitled to be placed at par with the concessions in licence fee granted to the licencees who are unable to see.

7. The counsel for the Respondents without prejudice to his contention regarding the term of the licence has contended that the case of the handicapped allottees shall be considered in accordance with the Policy in that regard.

8. The counsel for the Petitioners has stated that the other Petitioners are ex-servicemen are also entitled to the same concession.

9. I am unable to place the said Petitioners at par with the physically rd challenged persons. This Court in LPA No. 285/2010 decided on 23November, 2010 titled Antra Rajya Bus Adda Samachar Patra Vikreta Upbhokta Co-operative Store Society Ltd. v. Govt. of National Capital the Territory of Delhi and in W.P. (C) 6054/2003 decided on 16March, 2011 titled Saudagar Singh v. Govt. of NCT of Delhi has held that this Court in exercise of writ jurisdiction cannot re-write the terms & conditions of licence. Even otherwise, ex-servicemen cannot be placed at par with the physically challenged persons.

10. The counsel for the Petitioners states that the Petitioners be also permitted to make a representation to the Respondents for allowing them to use the sites if any allotted to them for the purpose other than PCO. Allowed. The representation if any so made by the Petitioners be considered in accordance with the Policy in that regard.

11. With the aforesaid directions, the petition is disposed of. No order as to costs.