
(2002) 08 DEL CK 0197
In the Delhi High Court
Case No : C.W. No. 1220 of 2001

Davinder Singh

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 07-08-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 112 DLT 540

Hon'ble Judges : Sanjay Kishan Kaul, J

Bench : Single Bench

Advocate : Francis Paul, Adv M.S. Oberoi, for the Appellant;

Final Decision : Dismissed

Judgement

Sanjay Kishan Kaul, J.—The petitioner has filed this petition seeking a direction against respondent No. 3-MCD to allocate an alternative site/space to the petitioner within the jurisdiction of Kalkaji Police Station for running his taxi stand and for directing the respondents not to dispossess the petitioner from the present site. The factual matrix of the case is that one Kamal Kishore was given Tehbazari rights by respondent No. 3-Corporation who made a request for allotment of general taxi stand which was so allotted on 14.6.1993. It appears that the said Kamal Kishore entered into a transaction with one Surjit Singh and subsequently Surjit Singh and Davinder Singh started acting together.

2. A circular has been filed by the respondents in respect of the general taxi stand which says that taxis can stand at the relevant place though one person is issued the authority for the purposes of organisation. On 30.10.1995 the Deputy Commissioner of Police issued an order on the basis of a no objection certificate dated 11.10.1995 issued by the MCD for land use of the temporary taxi stand/free taxi parking site on the vacant land near to the boundary wall of the DDA Park, Nehru Place, New Delhi. In terms of the order passed u/s 3 of the Delhi Control of Vehicular and other Traffic on Roads and Streets Regulations, 1980 a general taxi stand for parking of 5 taxis at site was notified.

3. The present petition has been filed by Davinder Singh who does not want to be shifted from the site and it is contended by learned Counsel for the petitioner that in view of the documents executed inter se between the petitioner, Surjit Singh and Kamal Kishore, the petitioner has a right.

4. Learned Counsel for the petitioner has however not been able to show any document issued by any authorised officer of the MCD creating Tehbazari rights in favor of the petitioner. Tehbazari rights were originally given to one Kamal Kishore and certainly these rights cannot be transferred by mutual arrangements between the persons and they are personal to the persons to whom they are granted. In view of the aforesaid it is apparent that the petitioner has no right of Tehbazari. Further, there can be no right to run a taxi stand in view of the decision taken by the respondents 2 and 3 to make available the space for running of a taxi stand.

5. Learned Counsel for the respondent has referred to the judgment of the Division Bench of this Court in CW 3994/94, General Taxi Stand v. Municipal Corporation of Delhi and Ors., decided on 4.12.1996. The question of relocation of a taxi stand was considered and it has been held that the object of notifying the place for a taxi stand is for parking vehicles there and a taxi stand cannot be notified in the name of any individual nor does it give any license to any individual so as to keep and possess the same and control the site. The Division Bench observed as under:

"7. It is clear that the object behind notifying a place for parking of vehicles is to make provision of such parking in general public interest. A taxi stand is not notified in the name of any individual so as to occupy or possess the same and control the site. The general taxi stand as notified in the case at hand contemplates provision of parking place for 5 taxis at a time. The taxis waiting for passengers may remain parked at the taxi stand to the extent of five. If one or two or more of them may move away, other taxi or taxis may occupy the vacant place. It is absolutely immaterial who owns the taxi. In the case at hand it appears that some one is trying to exercise control over the piece of land notified as taxi stand. The petitioner Rameshwar Dayal appears to have installed a telephone in his name at the site of the General Taxi Stand which is wholly impermissible. The notification nowhere refers to the petitioner.

9. The site of a General Taxi Stand can be changed from time-to-time keeping in view the public interest, convenience and safety. Nobody, much less the petitioner, can claim a right to have the taxi stand notified at a particular place or not to be denotified from a particular place."

6. In view of the aforesaid I am of the considered view that the petition is devoid of any merit.

Dismissed.

CM 214.2/2001:

Dismissed.