
(2011) 09 DEL CK 0522

In the Delhi High Court

Case No : Writ Petition (C) 7020 of 2011 and CM No. 16062 of 2011 (for stay)

Dukhniwaran Taxi Stand

APPELLANT

Vs

DDA and Another

RESPONDENT

Date of Decision : 23-09-2011

Acts Referred:

Citation : (2011) 09 DEL CK 0522

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Bharat Singh Sisodia, for the Appellant; Ajay Verma, Manu Parashar for R 1, Anjum Javed and Mohd. Narulla for R 2, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The petition seeks to restrain the Respondents from dispossessing the Petitioner from the Taxi Stand earlier allotted to him.

2. The termination of the license of the Petitioner with respect to the Taxi Stand was earlier challenged by the Petitioner by filing W.P.(C) No. 7971/2007. The said petition was entertained. However, when the said writ petition was listed on 08.03.2011, the Petitioner confined the relief only to grant of six months time to vacate the Taxi Stand. Accordingly, the following order was made:

It is stated by Learned Counsel for the Petitioner that the Petitioner be given six months time to vacate the Taxi Stand at Vinobha Puri, Lajpat Nagar Chowk. Counsel also states that in the meanwhile, the Petitioner will make a representation to Respondent No. 1 / DDA to allot another Taxi Stand to it as per its policy.

In view of the above, the Petitioner is directed to vacate the aforementioned Taxi Stand within six months from now. On the other hand, Respondent No. 1 / DDA are directed to dispose of the representation of the Petitioner as per its policy within six months from the date of its receipt.

With these directions, the writ petition is disposed of, with liberty to the Petitioner to approach the Court again in case it feels aggrieved by any further action of Respondent No. 1/DDA. It is, however, made clear that the Petitioner will vacate the present Taxi Stand as stated by its counsel irrespective of the decision that the DDA takes on its representation

and the petition disposed of in terms thereof.

3. Now when the time of six months granted to the Petitioner is expiring, this petition has been filed contending that since the Respondent No. 1 DDA has not formulated its policy regarding Taxi Stands till now and owing where to the representation of the Petitioner for allotment of another Taxi Stand has not been disposed of as yet, the dispossession of the Petitioner from the Taxi Stand which he had undertaken to vacate be stayed till allotment of another Taxi Stand to him.

4. No merit is found in the aforesaid claim of the Petitioner. The Petitioner by filing this petition is seeking a review / setting aside of the order aforesaid in the earlier writ petition filed by him. Significantly, the Petitioner under interim order in the earlier writ petition continued in possession of the Taxi Stand for over four years after the termination of his license and ultimately when faced with dispossession, sought time of six months to vacate the stand. From a reading of the order, it is clear that the decision on the representation of the Petitioner had no bearing on the vacation of the Taxi Stand in possession of the Petitioner.

5. The Petitioner is therefore not found entitled to the relief claimed. The Petitioner is bound to comply with the undertaking given in the earlier order and if fails to comply with the same, the Respondents / concerned authorities are at liberty to use force to dispossess the Petitioner and to also take steps for non compliance by the Petitioner of the undertaking given to the Court.

6. As far as the claim of the Petitioner for alternative site is concerned, it is case of the Petitioner himself that the policy is under finalization. The Respondents remain bound by the direction given to them to consider and dispose of the representation of the Petitioner for an alternative site.

7. The petition is dismissed. No order as to costs.

CM No. 16063/2011 (for exemption)

Allowed, subject to just exception.