

(1991) 02 DEL CK 0074

In the Delhi High Court

Case No : Civil Writ Petition No. 24 of 1986

Kuldip Kumar Wadhwa

APPELLANT

Vs

Commissioner of Police and Others

RESPONDENT

Date of Decision : 26-02-1991

Acts Referred:

Citation : (1991) 44 DLT 446

Hon'ble Judges : N.N. Goswamy, J

Bench : Single Bench

Advocate : D.C. Mathur, D.K. Mathur and A. Ahlawat, for the Appellant;

Judgement

N.N. Goswamy, J.

(1) This judgment will also dispose of C.W. 13/86 (Shri Anil Kumar v. Commissioner of Police and others) and C.W. 32/86 (Shri O. P. Sahni v .Commissioner of Police and others), as all the petitions involve similar questions.

(2) The petitioners in all the three petitions had applied for eating house/caberat shows licenses under the Regulations framed under Delhi Police Act. The challenge is to the Regulations for Licensing and Controlling of Places of Public Amusement (Other than Cinemas) and Performance of Public Amusement, 1980 as also to the Regulations for the Licensing and Controlling of Places of Public Amusement (Other than Cinemas) and Performance for Public Amusement (Amendment), 1983. The challenge is also to the orders passed by the Licensing Authority refusing to grant the licenses arid the Appellate Authority dismissing the appeals. In all the cases the licenses were refused mainly on the grounds that the premises were unsafe from fire safety and health and hygiene point of view. In addition in C.W. 24/86 it was refused on the ground that the management was involved in number of criminal cases. According to the petitioners they had removed all the defects as pointed out in the inspection reports carried out by the respondents and the premises were no longer unsafe

either from fire point of view or from the point of view of health and hygiene. This Court had directed fresh inspections. However, the fresh inspections also resulted in pointing out the same defects. According to the petitioners they since then removed all those defects and are in a position to get the clearance certificates.

(3) As regards the challenge to the Regulations as mentioned above the contention is no longer available to the petitioners in view of a Division Bench judgment of this Court in "Shri A.N. Shervani and another v.L t. Governor and others", 1989(2) Del L 315 wherein the Regulations have been held to be valid.

(4) Regarding the merits it is always open to the petitioners .to file fresh applications for licenses and the same will be considered in the light of the law laid down by this Court in the case referred to above. I, Therefore, dismiss the petitions with the observation that in case the petitioners apply for licenses the necessary inspection will be got done by the respondents at the earliest and the applications will be disposed of as expeditiously as possible and not later than three months from the date of application. There will be no order as to costs.