

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 5009/2005

VAHID HUSEN

..... Petitioner

Through Mr. M. Tarique Siddiqui, Advocate

versus

UOI & ORS.

..... Respondents

Through Mr. Suresh Kait, Advocate

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

ORDER

21.03.2005

1. This writ petition has been filed by the petitioner on the averments that he was granted a licence by the Regional Director, South India at Chennai. It has been contended that the licence lapsed by efflux of time and consequently the petitioner had submitted his identity card for renewal thereof at the end of December 2000. Reliance has been placed on circulars issued by the respondent giving directing the regional offices to issue the renewed licences in support of the first prayer made in this writ petition seeking grant of renewal of the licence.

2. Reliance is also placed on an order made on 27th October, 2004 in Writ Petition(Civil) no. 6884/2001 entitled Ajay Singh vs Union of India, to support the contention that the writ petition would be maintainable before this court. My attention has also been drawn to an order dated 16th December, 2004 passed in a bunch of writ petitions being W.P.(C) nos. 7210, 7211, 7212, 7214, 7216 &

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7032/2002 wherein also this court has passed certain directions.

3. Learned counsel appearing for the respondent has taken a strong objection with regard to the maintainability of this writ petition on grounds of territorial jurisdiction. It is also submitted that in Ajay Singh's case, the cause of action had arisen only in Delhi. It has been submitted that so far as the prayer for renewal of the licence is concerned, nothing is to be done at Delhi and it is only the authorities at Chennai who are concerned with the matter. It is submitted that there can be no consideration of the application of prayer for transfer of the petitioner unless he was possessed the authority and had been granted an approved tourist licence. It has also been submitted that the orders relied upon by the petitioner in regard to cases of transfer did not relate to renewal of licence by the regional offices and hence this court had considered the matter. It is contended by learned counsel for the petitioner that Ajay Singh's case pertained to renewal which was to be effected at Delhi unlike the present case.

4. I have given my considered thought to the submissions made. Prayer (c) in the petition seeks a mandamus to the respondents to renew the approved tourist guide licence of the petitioner can be granted only by the respondents no. 3 and 4 who are located in the Southern region outside the territorial jurisdiction of this court.. The subsequent prayer made in the petition seeking transfer to the Northern Region would arise for consideration only once the petitioner has been granted renewal of the licence.

5. I also find that perusal of the orders relied upon by the petitioner shows that the orders were made in matters relating to transfers of the petitioners

therein. The orders were also passed in view of the fact that the respondents therein had filed no return and there was no adjudication of the cases on the merits. For these reasons, the same would have no bearing on the issues raised in the present petition.

6. In view of the foregoing, it is held that this court has no jurisdiction so far as prayer for renewal of the approved tourist guide licence of the petitioner is concerned and the same is consequently rejected. So far as the consequential prayers seeking transfer of the petitioner's licence from the Southern Region to Northern Region and further directions of issuing the fresh identity cards to work in the Northern Region are concerned, the same would arise only once the petitioner has a valid tourist licence and makes an application to the respondents in this behalf.

This petition is dismissed with the aforestated observations.

Liberty is given to the petitioner to approach the court of competent jurisdiction.

MARCH 21, 2005


GITA MITTAL, J

RP 140/05