

PETITIONER:
NANHU & ORS. ETC.

Vs.

RESPONDENT:
DELHI ADMINISTRATION & ORS.

DATE OF JUDGMENT 05/08/1980

BENCH:
KRISHNAJIYER, V.R.
BENCH:
KRISHNAJIYER, V.R.
PATHAK, R.S.
REDDY, O. CHINNAPPA (J)

CITATION:
1981 SCR (1) 373

ACT:
Cycle-Rickshaw Bye-Law 1960-Bye-Law 3(1) Cycle Rickshaw Drivers-Court Framing Scheme.

HEADNOTE:

The Delhi Municipal Corporation which framed the Cycle Rickshaw Bye Law of 1960 under section 481 of the Delhi Municipal Corporation Act, 1957 amended Bye-law 3 in 1976 to provide that 'no person shall keep or ply for hire a cycle rickshaw in Delhi unless he himself is the owner thereof and holds a licence granted in that behalf'.

In writ petitions challenging the provision:

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HELD:

In Azad Rickshaw Pullers Union Amritsar & others v. State of Punjab & others, [1981] 1 SCR 366 a scheme had been worked out to help the rickshaw pliers of Amritsar Municipality to become owners of cycle rickshaws. [374 A-B]

2. The Delhi Administration will effectively publicize and notify applications for licences for plying of cycle rickshaws and all those who apply will be considered on their merits including length of service as cycle rickshaw pliers. The criteria that the Delhi Administration will adopt must be reasonable and relevant. [374 D]

3. On the basis of reasonable criteria the Delhi Administration will direct the concerned Municipal authorities to grant licences for plying rickshaws and the applicants so chosen are not owners themselves all the facilities indicated in the Amritsar order will be extended to such cycle rickshaw pliers fixing reasonable time limits. [374 F]

JUDGMENT:

ORIGINAL JURISDICTION: Writ Petition Nos. 841 and 728/1980.

(Under Article 32 of the Constitution.)

R. S. Sharma and S. M. Ashri for the Petitioner in WP Nos. 841 and 728/80.

K. Parasaran, So]. Gen]. B. P. Maheshwari and Suresh Seth for the RR in WP Nos. 841 and 728.

The Judgment of the Court was delivered by
KRISHNA IYER, J.-We have disposed of today applications
from cycle rickshaw pliers of Amritsar Municipality where a
scheme has been worked out to help them become owners of
cycle rickshaws. A

374

similar scheme, says the Solicitor-General appearing for the
Delhi Administration, will be extended to the Delhi
territory. We, therefore, annex a copy of the judgment in
Writ Petitions Nos. 839 of 1979 and 563 of 1979-Azad
Rickshaw Pullers Union, Amritsar and others v. State of
Punjab & others and Nanak Chand and others v. State of
Punjab and others, respectively to this judgment.

There is another problem which arises in these two
cases and that is that the Delhi Administration has put a
ceiling on the total number of cycle rickshaws permissible
to be plied within its territory perhaps-we do not know for
certain-this number may not accommodate all the applicants
for cycle rickshaws applying licences. We are told that
apart from the applicants in this Court under Article 32 of
the Constitution, there are numerous petitioners who have
approached the High Court of Delhi under Article 226 of the
Constitution and yet others who have filed suits in civil
courts for the same relief. All that we can do is to accept
the suggestion made by the learned Solicitor-General that
the Delhi Administration will effectively publicize and
notify applications for licences for plying of cycle
rickshaws and all those who apply will be considered on
their merits including length of service as cycle rickshaw
pliers. The criteria that the Delhi Administration will
adopt must be reasonable and relevant; otherwise it will be
open to the aggrieved parties to challenge the selection.
Likewise we do not want to fetter the rights of parties
aggrieved if the ceiling upon the total number of rickshaws
permissible within the Delhi territory is arbitrary.

On the basis of reasonable criteria the Delhi
Administration will direct the concerned Municipal
authorities to grant licences for plying rickshaws and if
the applicants so chosen are not owners themselves all the
facilities we have indicated in the Amritsar order will be
extended to such cycle rickshaw pliers fixing reasonable
time limits. With these directions we dispose of the
applications. Until fresh licences are issued by the Delhi
Administration and the Municipal authorities the present
petitioners will be allowed to ply their cycle rickshaws.

N.V.K.

375