

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D16724
Y/cb

_____AD3d_____

Argued - October 11, 2007

A. GAIL PRUDENTI, P.J.
STEVEN W. FISHER
MARK C. DILLON
THOMAS A. DICKERSON, JJ.

2007-01169

DECISION & ORDER

In the Matter of Akeel Danish, respondent, v Taxi
and Limousine Commission, NYC, appellant.

(Index No. 34422/06)

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Barry P. Schwartz and
Scott Shorr of counsel), for appellant.

Friedman, Khafif & Sanchez, LLP, Brooklyn, N.Y. (Fabien A. Robley of counsel), for
respondent.

In a proceeding pursuant to CPLR article 78 to compel the Taxi and Limousine
Commission, NYC, to extend the time for the submission of an application for a license renewal, the
Taxi and Limousine Commission, NYC, appeals from a judgment of the Supreme Court, Kings
County (Ruchelsman, J.), dated January 4, 2007, which granted the petition.

ORDERED that the judgment is reversed, on the law, with costs, the petition is
denied, and the proceeding is dismissed on the merits.

The extraordinary remedy of mandamus will lie only to compel the performance of a
ministerial act and only when there exists a clear legal right to the relief sought (*see Matter of Legal*

Aid Socy. of Sullivan County v Scheinman, 53 NY2d 12, 16). The petitioner failed to demonstrate a clear legal right to the relief sought.

PRUDENTI, P.J., FISHER, DILLON and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court