

taking any coercive action in running the business of sell storage in the area of the premises of the petitioner falling in Sadar Bazar Zone till such time the respondent act upon the provisions of Master Plan of 1982 thereby allocating the land as provided therein for the purpose of trade and storage of steel utensils.

c. pass any such other or further order and/or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The aforesaid prayers are based upon Master Plan of Delhi, 1962, and the subsequent Master Plans. However, it may be noticed that the present writ petition was filed before the Master Plan of Delhi, 2021, was enforced.

3. The respondent MCD in their counter affidavit has stated as under:-

"5. That in Master Plan 2021 some more provisions have been made regarding the commercial activity in the Sadar Bazar Zone, its relocation, redevelopment etc. The impugned road has been declared as Commercial vide GOI notification dated 7th & 15th Sept. 2006. The provisions of the notifications and Master Plan 2021 are subject to the final outcome of the judgment/order of Hon'ble Supreme Court of India in M.C. Mehta & Others Vs. Union of India (W.P.No.4677/1985).

6. That the respondent is duty bound to take action as per the Master Plan 2021 and the DMC Act and other guidelines of the Union Government /Supreme Court's judgment/order."

It is stated that the matter of relocation and providing suitable sites is to be undertaken by the Government of India, Government of NCT of Delhi and Delhi Development Authority.

4. DDA in their counter affidavit has stated that several relocation schemes have been formulated by them for trades like fruits, vegetable, meat market etc. It is further pointed out that redevelopment and decongestion of old city areas like Sadar Bazar, Chandani Chowk etc. have not been implemented due to scarcity of land and other reasons and as per the Master Plan of Delhi, 2021, the market of Sadar Bazar is required to be redeveloped at the same location with necessary infrastructure and the Sadar Bazar areas has been designated as a special area. It is further pointed out in the counter affidavit that redevelopment plan/scheme for this special area has to be prepared and notified by the Municipal Corporation of Delhi with the approval of the Central Government within 3 years of the approval of Master Plan of Delhi, 2021, and till such times status quo has to be maintained. It is, therefore, clear that the respondents are not taking further action and status quo is to be maintained till the redevelopment of Sadar Bazar area is finalized. Further, wholesale market in Sadar Bazar is to be redeveloped on the same location with necessary infrastructure and parking.

5. Counsel for the petitioner states that he apprehends the legal action and forceful closure/sealing. No such averment and allegation has been made in the writ petition itself. In view of the counter affidavit filed by the DDA and in the light of the Master Plan of Delhi, 2021, the apprehension of the petitioners does not appear to be correct. However, it is open to the petitioners to take steps to protect their rights in case the respondents take any action for sealing/closure of their shops.

With the aforesaid observations, the writ petition is disposed of.

SANJIV KHANNA, J.

OCTOBER 21, 2009.
NA/P