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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7078/2018

GHAZIPUR FLOWERS MARKET TRADERS
ASSOCIATION, DELHI

..... Petitioner

Through: Mr Manohar Malik, Advocate.

versus

DELHI AGRICULTURAL MARKETING BOARD
AND ANR.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.07.2018

CM No. 26918/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 7078/2018 & CM No.26917/2018

3. The petitioner has filed the present petition, *inter alia*, impugning a Resolution dated 08.01.2017 passed by the Delhi Agricultural Marketing Board (DAMB) whereby DAMB is stated to have resolved to establish a Multi-Storey Permanent Flower Market at IFC, Ghazipur, Delhi. The petitioner is an association of traders engaged in the business of dealing in flowers. It is the petitioner's case that a Multi-Story Flower Market would not be feasible as only a fraction of the number of traders engaged in the trade would be accommodated on the ground floor of the Market. These traders would be better placed in carrying out the trades and executing transaction

than the traders allocated spaces on other floors. The petitioner also submits that trades in flowers involve a large volume of goods and it would not be feasible to transport such goods from other floors to the transport vehicles at ground level.

4. The petitioner further states that land is available with DAMB for evolving a plan of a Single Story Flower Market.

5. This Court is not inclined to entertain the aforesaid controversy as the question as to which would be a better design of building for a market is clearly within the jurisdiction of DAMB. There are also several examples of markets which are housed in a multi storey buildings, therefore, this Court does not find the decision of the DAMB to construct the Multi-Storey Permanent Flower Market as unreasonable so as to fail the *Wednesbury* test (that is, no reasonable sensible person would arrive at the said decision) and, therefore, no interference by this Court in the said resolution is warranted in these proceedings.

6. Having stated above, this Court is also of the view that the DAMB must consider the representation made by the petitioner association in order to take an informed view. It is thus expected that the representation made by the petitioner association would be duly considered by DAMB, if not already considered.

7. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

JULY 11, 2018/MK