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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 401/2018 & CM Nos.29356-58/2018
GHAZIPUR FLOWER MARKET TRADERS ASSOCIATION ,
DELHI Appellant

Through: Mr. Manohar Malik, Advocate

versus

DELHI AGRICULTURAL MARKETING BOARD & ANR

..... Respondents

Through: Ms. Palak Rohmetra, Advocate for
DAMB

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **25.07.2018**

Counsel for the appellant submits that the decision of the respondents to construct a multi-storey flower market is amenable to judicial scrutiny and correction as no such similar multi-storey market for agricultural produce exists, it is possible to accommodate all traders on the ground floor as space is available, expenditure on construction of multi-storey would be substantial, multi-storey market cannot cater to the need of traders and customers as volume of the trade is high and there would be chaos etc. Reliance is placed on Wednesbury's principle.

The impugned order dated 11.7.2013 in WP(C)7078/2018 rightly observes that it is not for the appellants to dictate and for the courts to decide how and in what manner the land available should be

used and utilized and whether or not additional land should be made available. It is not for us to comment and adjudicate on the number of floors a market should have or how the land available should be best used. Nature and type of building to be constructed is purely an administrative decision which cannot be interfered with except in exceptional and rare cases. There are several examples and it is common knowledge that there are multi-storey markets.

Reasons stated to invoke power of judicial review, we would observe, are assumptions that various facets involved would not be considered before a policy decision is taken. Final decision has to be that of the respondents. Accordingly, the learned Single Judge has stated that the respondent no.1 would consider the representation made by the appellant association, if not already considered. We do not think any further order or direction is required to be passed and should be given.

Recording the aforesaid, appeal is dismissed without any order as to costs. All pending applications are disposed of.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JULY 25, 2018

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