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

Date of decision: 27th November, 2019

+ W.P.(C) 5378/2016 and CM Nos. 32335/2017, 19297, 37497/2018

SOCIETY FOR AWARENESS AND DEVELOPMENT

..... Petitioner

Through: Mr. Gopal Jain, Sr. Adv. with Mr.
Rohit Gupta and Mr. Shashi Shekhar, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Prasanta Varma, Sr. Central
Govt. Counsel with Mr. Amrit S. Khalsa and
Ms. Hiteshi Kakkar, Advs. for R-1/UID
Mr. Rajiv Bansal, Sr. Adv. with Ms. Awantika
Manohar, Ms. Paul Panthi,
Ms. Parul Pradhan and Mr. Anant Nigam, Advs.
for R-DDA

Mr. Gautam Narayan, ASC-GNCTD with Ms.
Shivani Vij and Ms. Dacchita Shahi, Advs.

Mr. Parvinder Chauhan, SC-DUSIB with Mr.
Nitin Jain, Adv.

Mr. Sanjeev Ralli, Mr. Rahul Ranjan and Mr.
Atul Verma, Advs. for R-DPCC

Mr. Vikram Jetly, CGSC for R-Ministry of
Environment, Forest and Climate Change

Mr. Sumeet Pushkarna, Adv. for R-Delhi Jal
Board

Mr. Mukesh Gupta, SC with Mr. Mayank
Ahuja, Adv. for R-6

Mr. Sarfaraz Khan, Adv. for R-7/DTC

Mr. Arun Vohra, Adv. for Chemical Traders

Mrs. Avnish Ahlawat and Mr. Nitesh Singh,
Advs. for R-APMC
Dr. Chaudhary Shamsuddin Khan, Adv. for R-
9/Railways

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
27.11.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 5378/2016

1. This Public Interest Litigation has been preferred with the following prayers :

“(A) A writ of mandamus and/ or orders and directions in the nature of mandamus directing Respondents to frame and issue forthwith the detailed operational guidelines for fully accountable, effective and time bound implementation of the Provisions of Master Plan Delhi - 2021 with clear, categorical and unambiguous fixation of responsibilities relating to development of Integrated Freight Complex and submit a periodic report on its implementation before this Hon'ble Court to ensure that the Master plan of V, Delhi shall not meet the same fate as what happened to Master Plan year 2001;

(B) A Writ of Mandamus and/ or orders and directions in the nature of mandamus directing Respondents to implement the provisions of Master Plan Delhi - 2021, relating to shifting of wholesale market from Central Delhi

to Integrated Freight Complex to facilitate and achieve effective decentralization/decongestion to ensure improved quality of life in the city of Delhi.

(C) A writ of Mandamus directing the Respondents to periodically submit a progressive Report on shifting/decongesting of Azadpur Sabzi Mandi to Tikri Khampur being one of the major area of concern in as much as want of action on this front is rendering many other integrated schemes, facilities, infrastructural development projects are lying completely standstill and not utilized consequently resulting in immense and/or huge loss of public funds besides further worsening, compounding and complicating the situations and/or problems for the City of Delhi.

(D) Such other and or further writ /order and/or direction which this Hon'ble court may deem fit just and proper in the facts and circumstances of the case.”

2. Learned Senior Counsel appearing for the petitioner has submitted that the Master Plan for Delhi-2021 prepared by the Respondent No.1 for Integrated Freight Complexes (IFCs) ought to be implemented at the earliest. Learned Senior Counsel for the petitioner has taken this court to various annexures and averments made in this writ petition alongwith several orders passed by this Court in this writ petition. It is also submitted by learned Senior Counsel for the petitioner that suitable directions be given to the respondents to execute the Master Plan for Delhi-2021 within a time bound schedule, especially for Integrated

Freight Complexes in order to reduce the vehicular traffic and air pollution and further to facilitate the industries at large.

3. We have heard the counsel appearing for the respondents who have submitted that the Master Plan for Delhi-2021 is a vision document. It is one thing to make a plan on paper and it is altogether another to implement the same in reality. There is bound to be a time gap between the two. It is further submitted by counsel for the respondents that so far as Integrated Freight Complexes are concerned, as per Clause No. 12.11, the vision document of the respondents envisaged 5 Integrated Freight Complexes out of which two Integrated Freight Complexes, one at Gazipur and another at Narela have already been developed. For the remaining three, a Committee has already been constituted by this Court *vide* order dated 13th September, 2018 passed in this writ petition which is looking into these aspects. It is also submitted by counsel for the respondents that the procurement of the land has now become slightly difficult and for the development of Integrated Freight Complexes at Madanpur Khadar (National Highway-2) and Dwarka (national Highway-8), huge budget is required. Moreover, it involves a complex phenomenon and owing to the same new site in Urban Extension (Rohtak Road) Tikri Kalan will be developed later on.

4. Learned counsel appearing for the respondents has further submitted that since the vision document envisages various things, even achievement of 50% or 75% or 90% thereof could be considered as a big achievement and hence no writ can be issued upon respondents to execute the future planning by the petitioners, especially for the city of Delhi, much less a writ of mandamus. The respondents are already working

alongwith the Committee constituted by this Court for implementation of the planning of the respondents.

5. In view of the aforesaid submissions and also looking at the Master Plan for Delhi-2021 and the earlier orders passed by this Court in the instant writ petition, it appears that for Integrated Freight Complexes, a Committee has already been constituted *vide* order dated 13th September, 2018, and the work is going for the development of IFCs by the respondents. Moreover, it ought to be kept in mind that it is easier to make a plan on paper but extremely difficult to execute the same in reality. For execution of the plan, there is involvement of several institutions and planning can be implemented only when everybody is cooperating. Moreover, the presence of multiple litigations would contribute to a further delay in the execution of the aforementioned plan. It is pertinent to mention here that the city of Rome was not built in a day.

6. Looking at the Master Plan for Delhi-2021 especially clause no. 12.11 which reads as under :

“12.11 INTEGRATEDFREIGHTCOMPLEXES

Integrated Freight Complexes have been recommended for the integration of goods movement by road and rail. These would consist of wholesale market, warehousing,-, road for trucks and rail transport terminals so as to curtail the movement of heavy vehicles within the complex. The freight complexes are to be located in the places where they

intercept the maximum possible regional goods traffic entering Delhi.

Based on the pattern of goods traffic movement in Delhi, following four sites for Integrated Freight Complexes (IFC), are presently at various stages of planning and/or development and one more new site is proposed in Urban Extension area. These freight complexes shall be dedicated to meet the demand of Delhi's needs and not cater to the distributive requirements of regional goods.

i. Madanpur Khadar(NH-2)

ii. Gazipur(NH-24)

iii. Narela(NH-1)

iv. Dwarka(NH-8)

v, New site in Urban Extension (Rohlak Road) Tikri Kalan”

7. Thus, out of the 5 aforementioned Integrated Freight Complexes, 2 are already executed by the respondents, one at Gazipur and the other at Narela. So far as the rest of the places for Integrated Freight Complexes are concerned, huge land is required. Looking at the present scenario, it is extremely difficult for the respondents to procure the land which requires huge budget and such other things. However, we expect from the respondents that as per their planning, Integrated Freight Complexes at remaining sites at Madanpur Khadar (NH-2), Dwarka (NH-8) and new

site at Urban Extension (Rohtak Road), Tikri Kalan would be executed as early as possible and practicable, keeping in mind their priority, the budget and such other complex factors affecting the execution of the Integrated Freight Complexes. A Committee has already been constituted by this Court *vide* our order dated 13th September, 2018, which will continue to work even after this matter is disposed of by this Court and we expect from the Committee that they shall facilitate the concerned respondent authorities to convert planning into reality.

8. With these expectations, this writ petition is hereby disposed of.

9. Liberty is reserved with the petitioner to move this Court, in case any difficulty persists even after one year.

CM Nos. 32335/2017, 19297/2018 and 37497/2018

1. In view of the disposal of the writ petition, these applications are also disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 27, 2019/kr