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

+ **W.P.(C) 8048/2016**

KAILASH CHANDRA JOSHI AND ORS Petitioners

Through Mr S. Sunil, Advocate.

versus

DELHI AGRICULTURAL MARKETING BOARD
AND ANR

..... Respondents

Through Mrs Avnish Ahlawat, Standing Counsel
DAMB with Mr Nitesh Kumar Singh, Advocate
for respondents.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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04.04.2019

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“to issue a writ of mandamus, or other writ, order or direction in the nature of mandamus, directing/commanding Respondent No 1, i.e. the DAMB, to grant possession, forthwith, to the petitioners, of the alternative plots/sites, pursuant to the re-allotment letters, dated 31.05.2016, annexed as Annexure P-13 collectively to the present writ petition, issued by the FMC to the petitioners,”

2. The petitioners are licence holders and are licensed to operate in the Flower Trade Centre (FTC), which is a part of the Gazipur Flower Market. The petitioners were otherwise carrying on their trade from different

markets in Delhi, however, they were shifted to the FTC as it was decided to close down other markets. The petitioners were allotted *Phars* on temporary basis. The petitioners' grievance is that the *Phars* allotted to them are far away from the gate and, according to them, the same are not as commercially favourable as other *Phars* which are located near the gate. It is the petitioners' contention that since they are high in seniority, they ought to have been allotted better locations.

3. Ms Ahlawat, learned counsel appearing for the respondents states that if the petitioners had made a representation in this regard, it would have been considered by respondent no.2 (Flower Market Committee) and the grievance would have been redressed. However, respondent no.1 (Delhi Agricultural Marketing Board – DAMB) has allocated space as per the allotment letters dated 31.05.2016.

4. DAMB had resisted the aforesaid petition on the ground that the Committee, which had issued the allotment letters, has ceased to function and a new Committee has since been constituted. It was also stated that if the petitioners are moved from their current locations, this would disturb the allotment of other persons who would then have a grievance of being allotted less preferable sites.

5. The learned counsel for the parties now point out that the new Flower Market Committee had examined the case of the petitioners, and by an a resolution dated 08.03.2018, has allocated alternate sites to the petitioners (licensees B-2 to B-11). Ms Ahlawat also submits that no other licensee is being disturbed by allocation of alternate sites to the petitioners. The learned counsel appearing for the petitioners is also agreeable for shifting to the

alternative sites allotted by the Flower Market Committee.

6. In view of the above, no further orders are required to be issued except to direct DAMB to hand over possession of the alternate sites to the petitioners herein.

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

VIBHU BAKHRU, J

APRIL 04, 2019

pkv