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

Date of Decision: 17th September, 2019

\+ W.P.(C) 11190/2017

RESIDENTS WELFARE ASSOCIATION BALBIR NAGAR (REGD) ..... Petitioner

Through: Mr. Devendra Kumar Jain, General Secretary of petitioner Association.

versus

UNION OF INDIA AND ANR ..... Respondents

Through: Mr. Vikas Mahajan, CGSC with Mr. Aakash Varma, Mr. Prajesh V.S., Mr. Anil Kumar & Mr. Deepak Goyal, Advs. for UOI.
Mr. Rajiv Bansal, Sr. Adv. with Mr. Akshay Chandra, Ms. Parul Panthi, Ms. Shweta Saini & Mr. Anant Nigam, Advs. along with Mr. C.D. Kaushal, Executive Engineer, ED-2 for DDA.
Mr. Ayush Gupta with Mr. Daman Popli, Advs. for R-5.

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

D.N. PATEL, CHIEF JUSTICE *(Oral)*

1. This writ petition has been preferred as a Public Interest Litigation with the following prayers:

> *"(a) Issue a writ of mandamus or any other appropriate writ, order or direction of like nature thereby directing the*

respondents no 2 to comply with the decision of the honorable Supreme Court of India.

(b)Pass any further or other order(s), which this Hon'ble Court deems it fit and necessary in the circumstances of the case."

2. Having heard Mr. Devendra Kumar Jain, General Secretary of the petitioner Association and learned counsel appearing for the respondents and looking to the facts and circumstances of the case, it appears that as per the judgment delivered by the Hon'ble Supreme Court in W.P.(C) No.4677/1985 on 10.05.1996 and also looking to the averments made by the counsel for the respondents that this is a case of two non-conforming industries, one run by Mr. G.D. Rathi and another by Mr. K.L. Rathi, which were running in non-conforming area at Loni Road, Shahdara, Delhi.

3. The land surrendered by Mr. G.D. Rathi is now already developed as a park, as per the directions given by the Hon'ble Supreme Court.

4. It is further submitted by the counsel for the respondents that so far as land surrendered by the industry of Mr. K.L. Rathi, the park will be developed in the near future.

5. In view of the fact that already the land surrendered by the industry owned by Mr. G.D. Rathi, the park has already been developed. So far as another surrendered plot of Mr. K.L. Rathi Ltd. is concerned, the same will be developed as a park as early as possible and practicable by the respondents looking to the availability of the budget and priority of the work to be done by the respondents.

6. It is expected from the respondents that the land surrendered will be developed as a park as early as possible as per the directions given by the Hon'ble Supreme Court.

7. With these directions, the writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 17, 2019
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HIGH COURT OF DELHI
सत्यमेव जयते