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

+ W.P.(C) 13892/2019

INDUSTRIAL WELFARE ASSOCIATION

KHYALA (REGD)

..... Petitioner

Through Mr.Avadh Kaushik and Ms.Shriya  
Bhat, Advs.

versus

SOUTH DELHI MUNICIPAL

CORPORATION & ORS

..... Respondents

Through Mr.Tushar Sannu, Standing Counsel  
with Ms.Ankita Bhadouriya, Adv.  
with Mr.Naresh Arya, Factory  
Licensing Officer, SDMC.  
Mr.Ajay Verma, Standing Counsel  
with Mr.G.S.Oberoi, Advocate for  
R-2/DDA.

Ms.Tara Narula, Ms.Nupur,  
Ms.Aparajita Sinha, Advs. for R-3 &  
R-4 with Sh.B.Ramesh, Section  
Officer, Industries.

Mr.Sanjeev Ralli and Mr.Atul Verma,  
Advs. for R-6/DPCC.

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

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**25.02.2020**

1. This writ petition is filed by the petitioner seeking a writ of certiorari for quashing the impugned action of the respondents of not including the left out areas/five blocks of Khyala Industrial Area, namely, (i) Ravi Nagar Extension Part-I; (ii) Ravi Nagar Extension Part-II; (iii) Vishnu Garden Extension-5; (iv) Z-Block Vishnu Garden; and (v) RZ-C Block Vishnu Garden in the notification published for Khyala Cluster with industrial activities for redevelopment, as mentioned in the notification dated

01.05.2012. Other connected reliefs are also sought.

2. Respondents No.3 and 4 have filed their counter affidavit, which is not on record. A copy of the same has been handed over in court, which is taken on record. As per the said counter affidavit, The Khyala Manufacturers Welfare Association (*hereinafter referred to as the 'KMWA'*) made a request to respondent No.3 that industrial cluster at Khyala may be notified for redevelopment in terms of the modification notification. The said KMWA only specified 11 of 15 blocks mentioned in the writ petition in their request to be notified as Khyala Industrial cluster. Hence, all the blocks which are mentioned by the petitioner association were not included in the scheme.

3. Learned counsel for the petitioner association states that the petitioners are identically situated to the other blocks which have been taken to be part of the scheme by the respondents. He further states that the said four blocks have also formed an association and made a representation on 14.12.2019 on behalf of Industrial Welfare Association Khyala. This representation is annexed as 'Annexure P-8' to the writ petition.

4. Learned counsel for respondents No.3 and 4 submits that it would be appropriate for Industrial Welfare Association Khyala to make a fresh representation seeking inclusion of the said left out area/blocks in the scheme.

5. Let the petitioner association file a fresh representation within one week from today. A copy of the same shall also be given to respondents No.3 and 4. Thereafter, respondents No.3 and 4 will deal with the said representation as per law within four weeks thereafter. The decision taken shall be duly communicated to the petitioner association. Till the decision is

communicated to the petitioner association, no coercive steps shall be taken by the respondents against the petitioner association.

6. At this stage, learned counsel for respondents No.3 and 4 requests that eight weeks time may be granted to deal with the said representation of the petitioner association. It is ordered accordingly.

7. In case, the petitioner association is not satisfied with the decision taken by respondents No.3 and 4, liberty is granted to the petitioner association to take steps as per law against the said order.

8. With the above direction, the present petition stands disposed of. All pending applications, if any, are also disposed of.

**JAYANT NATH, J.**

**FEBRUARY 25, 2020/v**