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

+ **W.P.(C) 9122/2018**

BACCHU SINGH Petitioner
Through: Mr Ajay Kumar Thakur, Advocate.

versus

COMMISSIONER OF INDUSTRIES & ORS Respondents
Through: Mr Puneet Verma and Mr Aaditya
Singhal, Advocate for GNCTD.
Ms Puja Kalra, Standing Counsel
with Mr Virendra Singh, Advocates
for R-3/NDMC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

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31.08.2018

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

“A. issue writ in the nature of mandamus and of like nature to take the necessary action in accordance with the law, respondents may be directed to allow the petitioner to run his business from the above said property i.e. B-4/3, Model Town-1, Delhi-09, as being done by others.

2. The petitioner was running a small shop from the property bearing no.B-4/3, Model Town-III, admeasuring 70 sq. yards. (hereafter ‘the premises’). It is stated that the petitioner had also installed lathe machine at the premises. The petitioner’s premises had been sealed as it was in a non-conforming area.

3. The petition has filed a petition being W.P.(C) 192/2015 seeking similar relief. The said petition was dismissed by an order dated 09.01.2015 for the reason that there was no dispute that the petitioner's shop is located in a non-conforming area and, therefore, cannot be used for non-conforming industries.

4. The petitioner claims that there are other units operating in the area against whom no such action has been taken and therefore, the petitioner should also be placed in the same position. This contention is unmerited merely because action has not been taken against other units that are operating illegally does not entitle the petitioner to operate unlawfully (*See: Secretary, Jaipur Development Authority v. Daulat Mal Jain: 1997(1) SCC 35*).

5. Insofar as that other units operating from the same locality is concerned, this Court had by an order dated 09.01.2015 passed in W.P.(C) 192/2015 directed the respondents to examine the same and take necessary action in accordance with law within a period of eight weeks from that date. The petitioner states that the said order has not been complied with. Be that as it may, the relief as sought for by the petitioner regarding permission to recommence his business cannot be granted for the reasons as stated above and in the order dated 09.01.2015.

6. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

AUGUST 31, 2018
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