

\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CONT.CAS(C) 805/2015****D-BLOCK PANDAV NAGAR RESIDENTS****WELFARE ASSOCIATION** PetitionerThrough **Mr. K.P. Mavi with Mr. B.P. Mishra,**
Advocates

versus

AMIT YADAV AND ORS RespondentsThrough **Mr. Parvinder Chauhan, Standing**
Counsel for NDMC.

%

Date of Decision : 13th October, 2015**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****J U D G M E N T****MANMOHAN, J:** (Oral)**CM APPL. 23404/2015**

Allowed, subject to just exceptions.

CONT.CAS(C) 805/2015 & CM APPL. 23403/2015

1. Present contempt petition has been filed alleging wilful disobedience of the order dated 6th October, 2010 passed by a Coordinate Bench of this Court in W.P.(C) 782/2010 wherein the counsel for MCD had made a statement that in view of the request of the residents, the park situated in the locality would be delisted and would not be used for holding public functions. The said statement of the counsel for MCD was accepted by the Court.

2. In a subsequent writ petition being W.P.(C) 6888/2011 filed by Sri Adarsh Ram Lila Committee, another Coordinate Bench of this Court vide order dated 20th September, 2011 while disposing of the said writ petition gave the petitioner therein right to approach the MCD for seeking review/cancellation of the delisting orders passed by it.
3. In the order dated 20th September, 2011 it was further directed that as and when MCD receives such a representation, the same shall be considered in accordance with law and after affording an opportunity of hearing to the residents welfare association of the area, which was petitioner in W.P.(C) 782/2010 and at whose instance the park in question had been delisted.
4. The order dated 20th September, 2011 passed in W.P.(C) 6888/2011 was carried in appeal to the Division Bench by Sri Adarsh Ram Leela Committee. However, the said appeal was dismissed as the Division Bench did not find any error in the order of the learned Single Judge.
5. Mr. K.P. Mavi, learned counsel for petitioner contends that respondents' office order dated 8th October, 2015 allowing public functions like Ram Leela in the locality park is in contravention of this Court's order dated 6th April, 2010 passed in W.P.(C) 782/2010.
6. Mr. Parvinder Chauhan, learned counsel for respondents, who appears on advance notice, has produced the original file pertaining to the locality park to show that Ram Leela has been held in the said park in 2011, 2012, 2013 and 2014. He also points out that the deponent of the affidavit accompanying the present petition had given a No Objection Certificate/Undertaking to the respondent-Corporation for holding the Ram Leela. One such sample No Objection Certificate/Undertaking dated 24th August, 2014 forwarded by the petitioner is reproduced hereinbelow:-

“NO OBJECTION CERTIFICATE/UNDERTAKING

I, We, R.W.A. at D-Block, Pandav Nagar, Delhi-110092, through its General Secretary Mrs./Miss. Renu Dhingra D/o. Shri D.B. Khanna R/o D-49, Third Floor, D-Block, Pandav Nagar, Delhi-110092, do hereby solemnly affirm and declare as under:-

- 1. That Mr. Vinod Kumar S/o Shri Ved Prakash (President) have applied for booking of Park, located at RAMLEELA PARK, D-BLOCK, PANDAV NAGAR, DELHI-110092, ID No. P07082000177374, to hold Ramleela w.e.f. 23-09-2014 to 04-10-2014.*
- 2. That I/We have no objection if Ramleela Park is used for Ramleela located at D-Block, Pandav Nagar, DELHI-110092, purposes.*
- 3. That the above statements are true and correct.*

*Sd/- (Renu Dhingra)
Deponent*

Verification :-

Verified at Delhi on this 24th day of August, 2014, that the contents of above undertaking are true and correct to the best of my knowledge and belief.

*Sd/- (Renu Dhingra)
Deponent”*

- 7. Having heard learned counsel for parties, this Court is of the view that the order dated 6th October, 2010 passed in W.P.(C) 782/2010 has to be read harmoniously with the order dated 20th September, 2011 passed in subsequent W.P.(C) 6888/2011 inasmuch as the subsequent order makes a note of the earlier writ petition, i.e., W.P.(C) 782/2010 and the said subsequent order has been upheld by the Division Bench.*

8. This Court is of the view that petitioner cannot blow hot and cold at the same time. After the order dated 6th October, 2010, petitioner has itself granted no objection certificates/undertakings for holding Ram Leela in the park in question.

9. Further, cause of action for filing the contempt petition is alleged violation of the order dated 6th October, 2010 - which cause of action certainly arose in 2011 when the first Ram Leela was held after the said order.

10. Section 20 of Contempt of Courts Act, 1971 prescribes limitation for actions for contempt. The said Section 20 is reproduced hereinbelow:-

“20. Limitation for actions for contempt.-No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

11. In view of the aforesaid, present contempt petition is clearly barred by limitation.

12. This Court is further of the opinion that the present contempt petition is an abuse of process of Court inasmuch as the petitioner having granted a no objection certificates/undertakings for holding Ram Leela in the same park for the past four years after the passing of the order dated 06th October, 2010, cannot now raise a grievance.

13. A Division Bench of this Court in ***ABW Infrastructure Ltd. & Anr. Vs. Rail Land Development Authority, LPA 264/2010*** decided on ***06th July, 2010*** has held that “.....As further conceded to, if the amount as agreed is not deposited, it would tantamount that appellants have conceived the idea

that Court is a laboratory where children come to play.” (emphasis supplied).

14. Consequently, present contempt petition and application are dismissed with costs of Rs. 25,000/- to be paid to New Delhi Bar Association Library Fund within two weeks. Let a receipt of the payment of cost be deposited within two weeks thereafter.

MANMOHAN, J

OCTOBER 13, 2015

rn