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

+ W.P.(CRL) 2236/2015 and CrI.M.A. 14742/2015 (stay) and
14743/2015 (delay in refilling)

R.L.PANJWANI Petitioner

Through: Petitioner-in-person.

Versus

UNION OF INDIA & ORS Respondents

Through: Ms.Meena Bhatia, Advocate for UOI.
Mr.Rahul Mehra, Standing Counsel (CrI.) with
Mr.Aditya Swarup Agarwal, Advocate for
GNCTD.

Mr.Dhanesh Relan and Ms.Akshita Manocha,
Advocates for DDA.

Mr.Himal Akhtar and Mr.Ajay Saini, Advocates
for R-4.

SI Aditya, PS Rajouri Garden.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

02.03.2016

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1. The present public interest litigation is filed by the petitioner setting out in the prayer clause a long list of directions which should be issued by this court regarding a senior citizen corner in the park known as 'Priyadarshani Park', Rajouri Garden, New Delhi. Some of the directions sought by the petitioner are as follows:

- a. The entry to the park be not obstructed by any person;
- b. To take appropriate action against the group of persons who are said to be collecting cash of Rs.500 to Rs.1,000/- as entry fee to enter the park;
- c. To take appropriate action against the Vice Chairman, DDA,

Sh. Balwinder Kumar who has allegedly been keeping his eyes closed to the documents as placed before him and mentioned in the writ petition and also against the Director (Horticulture) Shri Brijlal and Deputy Director of the area who have allegedly been complying with the erroneous and illegal orders of the Vice Chairman, DDA.

d. Similarly, steps be taken to prosecute the high rank officials of DDA including the Chairman, Vice Chairman, Director (Horticulture) under Section 217 of IPC.

e. To initiate contempt proceedings against the Vice Chairman, DDA-Shri Balwinder Kumar, Director (Horticulture)- Shri Brijlal and Deputy Director (Horticulture) who have allegedly been wilfully and deliberately flouting the orders of this court dated 22.11.2012 and so forth.

2. A total of 15 prayers are prayed for in the petition running into five pages.

3. It is the contention of the petitioner in the writ petition that he is an 82 year old senior citizen. Priyadarshni Park is said to have been developed sometime in 2007. At that time, on the suggestion of the petitioner, a corner in the park was reserved for recreation of senior citizens and a senior citizens' recreation centre was built by DDA. This Centre continued to be a centre for peace and happiness till 2013. It is further stated that in 2013, some new senior citizens entered and they started drinking liquor and smoking cigarettes in this senior citizen centre. The petitioner states that he had strongly opposed this inasmuch as he has been the President of the centre since 2007 till 2013. He is also an advocate of the Supreme Court since 1964. It is further alleged that this group of drunkard persons started

collecting Rs.500/- from each new persons as entry fee besides monthly subscription of Rs.200/-. The fee is later said to have been increased to Rs.700/1,000/-. The number of drunkard persons became more than 95% and they formed a group and hence, the petitioner resigned from the presidentship as well as from his membership. This happened 4 to 5 times but his resignation was not accepted till the petitioner finally stopped going to the centre. It is further stated that after sometime these drunkard people started harassing the genuine senior people by restraining their entry in the recreation centre. Reference is also made to some alleged robbery of a senior citizen in October 2013.

4. A complaint was said to have been made to the Director (Horticulture) but nothing has been done. Complaints are said to have been also made to Vice Chairman, DDA on various dates but it is stated that nothing has been done so far. The petition is replete with allegations of this nature.

5. A status report has been filed by the area SHO. In this report, on the allegation about some senior citizens/members indulging in drinking and smoking inside the senior citizen complex, it is stated no such activity has ever been noticed nor any such complaint has been received from the residents of nearby Priyadarshani park/daily users of the park. The senior citizen corner, it is stated, is free for use of all public persons. Regular police patrolling is done by the beat staff and necessary action will be taken, if any, violation of law is noticed.

6. Similarly, respondent No.4 has filed his written submission. A preliminary objection is taken in the written submission that the present petition is not a public interest litigation but a personal interest litigation

filed by the petitioner to settle his personal score and impose his dictatorship on the senior citizens of Rajouri Garden. It is further stated by the said respondent No.4 that in 2013, 23 senior citizens of Rajouri Garden incorporated a society under the name and style of “SENIOR CITIZEN WELFARE SOCIETY PRIYADARSHANI PARK, RAJOURI GARDEN, NEW DELHI”. Respondent No.4 was said to have been elected as the President of the said society.

7. It is further urged that the petitioner aspired to be the President of the society but all the members of the Society were not even ready to give him the general membership of the Society due to his misbehaviour and unpleasant relationship with every member. Hence, the petitioner, it is urged, threatened the members to create hardship for the society and other senior citizens of the vicinity and hence started making false complaints against the members of the society. The petitioner also issued a false legal notice. It is stated that the petitioner was never the President of any society or organisation. The present society is registered in 2013 only and the petitioner is not even a member of the society.

8. In our opinion, the petition is replete with unsubstantiated allegations which are denied by the police and also by respondent No. 4. The allegations being pleaded by the petitioner are not supported by any credible evidence. The police in their status report have refuted the allegations and have assured action if any violation is noticed. The petition is without merits and the same is dismissed.

CHIEF JUSTICE

MARCH 02, 2016/‘rb’

JAYANT NATH, J