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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3777/2013
MADAN LAL & ORS Petitioners
Through: Ms.Benita Gaur, Adv.

Versus

NDMC & ORS Respondents
Through: Ms.Renu Gupta, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **27.01.2016**

1. This petition by 17 persons claiming to be residents of village Nizampur was filed to, (a) restrain the New Delhi Municipal Corporation (NDMC) and Govt. of NCT of Delhi (GNCTD) from installing a statue of Sh.Sahib Singh Verma in the public park admeasuring 27 bighas and 13 biswas situated in Khasra No. 90 of village Nizampur-Rashidpur, Delhi; and (b) for a direction for restoration of the said park to its original position.

2. Notice of the petition was issued and on the basis of the order dated 18th January, 2013 of the Supreme Court in SLP No.8519/2006 titled as *Union of India Vs. State of Gujarat* restraining the installation of statues on

public road, pavement, sideways and other public utility places across all States and Union Territories, the installation of the subject statue in the park in question was restrained.

3. Pleadings have been completed.

4. The order dated 21st February, 2014 records the grievance of the petitioners that though this Court in order dated 30th May, 2013 had clarified that other development activities of the park may be carried out but the same also had not been carried out, depriving the citizens of the utility of the said public park.

5. Counsel for the petitioners today states that she has been newly engaged and seeks adjournment.

6. On enquiry, the counsel for the respondent NDMC states that the development of the park has been held up owing to the interim order in this petition. On further enquiry as to the final order, if any, in the proceeding aforesaid in the Supreme Court, the counsel for the NDMC states that the matter is still pending in the Supreme Court and the interim order dated 18th January, 2013 supra still continues.

7. In this light of the matter it has been enquired from the counsel for the respondent NDMC as to why the citizens should be deprived of the benefit of the park when the interim order of the Supreme Court is quite clear.

8. The only contention of the counsel for the respondent NDMC is that the matter in which the aforesaid order was made in the Supreme Court was concerning the installation of a statue adjacent to a public highway and not in a public park.

9. Though undoubtedly the matter before the Supreme Court was relating to a particular statue adjacent to a public highway but the Supreme Court consciously has issued the direction dated 18th January, 2013 with respect to installation of statue at other places also i.e. on pavements, sideways, and other public utility places and in my opinion a public park would be covered by a 'public utility place'.

10. In this view of the matter, the petition is disposed of with following directions:

- (i) That the partly built structure / platform for installation of the statue in the park aforesaid be removed / demolished and the park be developed within a period of six months from today.

(ii) The Director, Horticulture of respondent NDMC is made personally responsible for compliance of this order.

(iii) If the Supreme Court at any time varies the order aforesaid qua the statues and in accordance with the varied order such installation of statue as was earlier proposed in the said park is permissible, the respondents shall be entitled to then undertake the said work.

No costs.

RAJIV SAHAI ENDLAW, J.

JANUARY 27, 2016

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