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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8420/2016

RAMLEELA CLUB

..... Petitioner

Through Mr. Rahul Khurana, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through Mr. Pankaj Sinha and Ms. Richa Singh, Advocates for respondent Nos.1 to 5 with Mr. Krishan Lal, SHO Lajpat Nagar and Mr. Tika Ram, ASI.

Ms. Arti Bansal, Advocate for respondent No.6 with Mr. Narender Singh, Ass. Dir. Horticulture Mr. Ram Gautam Sharma with Ms. Sangeeta Mohanty, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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29.09.2016

CM No. _____ of 2016 (For impleadment)

This application has been filed, in Court, under Order 1 Rule 10 on behalf of Resident Welfare and Park Development Association (Regd) Block-2, Nehru Nagar, New Delhi. It is contended by the learned counsel appearing for the applicant that the applicant had filed WP(C) 8526/2016 impugning the move of the respondent SDMC in considering the application of the petitioner to grant of permission to hold *Ramleela* in a park opposite Block – 2, Nehru Nagar, New Delhi.

It is contended that the said park is an ornamental park and has been developed by the Association and is being used by the residents as an ornamental park. It is contended that the writ petition of the applicants was disposed of on 23.09.2016 on the ground that the permission had not yet been granted to the petitioner herein. It is contended that the petitioner is a necessary party.

The application be registered and numbered.

For the reasons stated in the application, the application is allowed. The Resident Welfare and Park Development Association is impleaded as a respondent. Amended memo of parties be filed by the petitioner within two days.

W.P.(C) 8420/2016

Learned counsel for the petitioner has tendered an additional affidavit. The same is taken on record.

The petitioner has filed the present petition for grant of licence to organise Ramleela and Dussehra from 01.10.2016 to 11.10.2016 at SDMC Park, Block No. 2, Nehru Nagar, New Delhi.

Learned counsel for the SDMC has submitted that the said park has been declared as an ornamental park and, in terms of the policy of the South Delhi Municipal Corporation dated 26.09.2012, no ornamental park can be booked for holding any function. Learned counsel for the SDMC has also drawn attention to the photographs of the present state of the park to show that the park is being developed and maintained as an ornamental park.

Learned counsel appearing for the Residents Association has relied on the decision dated 22.09.2006 of a Coordinate Bench of this

Court in WP (C) No. 14861/2006 **Dilshad Garden A Block RWA Reg. vs. Govt. Of NCT of Delhi & Ors.**, wherein, the learned Judge, in a similar case, has held that every public authority is bound to conduct its affairs according to the policies which it evolves for itself and for determination of the rights of the citizens and others who approach it. The learned Judge held that public interest in retaining and preserving the character of the ornamental park outweighs the interests of the community which insists upon its use for socio-religious purposes, particularly, when there is no dispute that another site in the vicinity is, and can be made available.

Learned counsel for the SDMC, under instructions from Assistant Director Horticulture, Mr. Ram Gautam Sharma, submits that, alternatively, a park at Market SP – 45 Park, Nehru Nagar, New Delhi which is an ordinary park, can be allotted to the petitioner, subject to the petitioner fulfilling the requisite conditions. It is stated that no application has been received for allotment of the said park.

The petitioner is directed to approach the Assistant Director, Horticulture Mr. Ram Gautam Sharma, who is present in Court, today at 2:00 pm for completion of the formalities.

Learned counsel for the petitioner submits that the gate of the said park, being offered, is very small which may cause a hindrance in the egress and ingress. Learned counsel for the SDMC, under instructions, submits that the gate of the park could be widened at the cost of the petitioner for the purposes of holding the *Ramleela* function and after the same is over, the gate would be restored by the SDMC at the cost of the petitioner.

The Writ Petition is disposed of by directing the Respondent SMDC to maintain the ornamental park and not to allot the same for any function.

On the petitioner approaching the Respondent SDMC for allotment of park at Market SP – 45 Park, Nehru Nagar, the same shall be allotted to the petitioner subject to the petitioner complying with the other conditions. If there is any requirement of widening of the gate of the park from the fire safety or any other angle, the SDMC shall widen the same and after the function is over restore the same at the cost of the petitioner.

The petitioner would also be required to obtain the requisite statutory permissions. The Delhi Police as also the Fire Department are directed to expedite the consideration of the application of the petitioner, if so moved, and dispose of the same within 24 hours.

The writ petition is disposed of in the above terms.

Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 29, 2016
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