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

% Judgment delivered on: 30.09.2016

+ W.P.(C) 8663/2016

NAV YUVAK UTTARAKHAN DRAM LILA SAMITI & ANR

..... Petitioners

versus

PUBLIC WORKS DEPARTMENT GOVT OF NCT OF DELHI &
ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Ms. Renu Gupta, Ms. Shruti Gupta and Ms. Shivangi Vaid,
Advs..

For the Respondents: Mr. Asish Nischal with Mr. Arun Nischal, Advocates for
Respondent Nos. 2 & 3.
Mr. V.K. Goyal with Mr. Abhinav Singh, Adv. for R-1.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks permission to organize Ramlila at Shri Ram Park, Gulabi Bagh and quashing of the permission granted to respondent No. 2. It is contended by the petitioner that the petitioner had applied prior in time i.e. on 25.07.2016 for grant of permission and as per the response received by the petitioner through RTI, the

application of the respondent No.2 was dated 27.07.2016. It is contended that as per the policy of the PWD, the person who had applied prior in time should have been granted the permission. In contravention of the same, the PWD has granted permission to respondent No.2.

2. It is further contended that the petitioners for several years have been holding Ram Lila Celebrations at Shri Ram Park.

3. Counsel appearing for PWD submits that though the application of the petitioner was received prior in time, however the Competent Authority, i.e. the Principal Secretary (PWD) granted permission to the respondent No.2.

4. Counsel for respondent No.2 contends that the application of the respondent No.2 was allowed on 11.08.2016 and thereafter all the requisite permissions/clearances/NOC have been obtained by respondent No.2 from the concerned authorities and several artists and others support staff are ready for the stage performances which are to commence from 02.10.2016. He submits that the said respondent will

be greatly prejudiced, in case the allotment is cancelled at this belated stage.

5. The respondent No.1 was directed to produce the original file. Perusal of the same shows that there is no reasoning or rational available on the file as to why the application of respondent No.2 was chosen by the Principal Secretary over the application of the petitioner.

6. The respondent/PWD in absence of any rules/guidelines should have followed the first come and first serve rule. However, despite the said infraction, I am not inclined to interfere in the allotment of respondent No.2 at this belated stage since the function is to commence from 02.10.2016 and the requisite permissions, clearances and NOC have been obtained by the said respondent. The respondent No. 2 is to have stage performances and all artists are also ready for the same. Further the permission was granted to respondent No.2 on 11.08.2016. In my view the equity is not in favour of the petitioners are thus I am not inclined to interfere with the permission granted to

respondent No. 2 at this late a stage.

7. Since the petition is not being entertained only on this ground, it is clarified that the contention of the petitioner, that they have right to hold Ram Lila celebrations in the said park because they have been holding the same in the said park for several years, is left open. The mere fact that the respondent No.2 has been permitted to use the said park and perform the Ram Lila celebrations this year and will not create any special equities in their favour.

8. However, the respondent/PWD is directed to consider such applications hereinafter on first come and first serve basis, subject to compliance with the other terms and conditions.

9. The Writ Petition is disposed of.

SANJEEV SACHDEVA, J

SEPTEMBER 30, 2016

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