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

+ **W.P.(C) 10431/2016**

PURVANCHAL CHHATH & SANSKRITIK VIKAS SAMITI

..... Petitioner

Through Mr. Sameer Kumar, Advocate.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through Mr. Animesh Rastogi, Advocate for Ms.
Neha Rastogi, Advocate for respondent Nos. 1, 2
and 3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

05.11.2016

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This writ petition has been listed pursuant to order of listing passed by Hon'ble Mr. Justice Badar Durrez Ahmed and the direction of Hon'ble the Chief Justice.

2. I have heard counsel for the petitioner-Purvanchal Chhath & Sanskritik Vikas Samiti and the counsel for the respondent Nos. 1, 2 and 3- the State of NCT of Delhi and its officers.

3. The petitioner submits that they had requested and were granted permissions to set up a stage as well as to hold performances on the occasion of Chhath Puja festival on 6th and 7th November, 2016. They are aggrieved

by order dated 27th October, 2016 passed by Sub-Divisional Magistrate, Mehrauli, who has directed the petitioner association not to use the public address system or hold stage performances, etc. during the Chhath Puja festival.

4. A reading of the order dated 27th October, 2016 would show that it records minutes of meeting, which were attended to by members and office bearers of the Executive Committee of Purvanchal Sanskritik and Samajik Manch and another association, namely, Purvanchal Chhath & Sanskritik Vikas Samiti. List of members of the two associations was enclosed. The minutes record that during the Chhath Puja celebrations last year there were unpleasant incidents on account of use of stage, which was allowed to be used for one day by one society and another day by another society. Police cases have been registered. To avoid such incidents during Chhath Puja, the District Magistrate (South) had made specific suggestions so as to ensure that celebrations are held peacefully and without any violence and disturbance. By consent it was agreed by the petitioner association and the other association that no harm would be done to the existing water body at Shiv Hansa Chowk and all the pits dug for Chhath Puja would be covered on the very next day. The area would be kept clean during and after Chhath

Puja. The order would clearly indicate that the public address system would be used only by the police to maintain law and order and for making announcements regarding missing or lost children. The members of the two associations had accepted the suggestion not to use the stage though there was initial reservation by some members.

5. It is noticeable that Purvanchal Chhath and Sanskritik Vikas Samiti has not been made a party to the present writ petition. Without their presence, it would not be appropriate and proper for this Court to even consider the prayers made by the petitioner as they were present when the consent order dated 27th October, 2016 was passed. There is a conflict of interest between the petitioner and the said association.

6. Learned counsel for the respondent, who is present on advance notice, on instructions received, states that today morning a meeting was held in the office of the Deputy Commissioner of Police of the area to work out and explore possibility if stage performances, etc. could be allowed. However, consensus could not be reached. The aforesaid factors would show that there could well be possibility of violence as had happened on the last occasion. These aspects are best left to be examined and dealt with by the authorities.

7. Keeping in view the aforesaid facts, I am not inclined to grant the prayers made in the writ petition. I do not feel that another date should be given because Chhath Puja is to be performed on 6th and 7th November, 2016. Recording the above, the writ petition is dismissed.

SANJIV KHANNA, J.

NOVEMBER 05, 2016
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