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

+ W.P.(C) 10750/2015 & C.M.Nos.27644/2015, 1633/2016, 2083/2016

MANMOHAN SINGH

..... Petitioner

Through

Mr.Sumeer Sodhi with Mr.Aman
Nandrajog, Mr.Amit Sinha and
Mr.Praval Arora, Advocates.

versus

GOVERNMENT OF NCT OF DELHI
THROUGH SDM (SOUTH EAST)

..... Respondent

Through

Mr.Peeyosh Kalra, ASC with Ms.Sona
Babbar, Advocate for R-1/GNCTD.
Mr.Mukesh Gupta, Advocate for
SDMC.
Mr.R.P.S.Sirohi, Advocate for R-3.
Mr.Atul Kumar, Advocate for
Applicant.

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Date of Decision: 08th July, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

Matter has been listed today as 07th July, 2016 was declared holiday on account of Idu'l Fitr.

1. Today, learned counsel for the petitioner states that the petitioner undertakes to develop and maintain the land adjacent to Plot No.77, Friends Colony (West), New Delhi, currently admeasuring approximately 1000 sq. yards (hereinafter referred to as 'the Area') under the petitioner's possession since 1953 as a park for the benefit of Friends Colony residents, their families,

children, senior citizens and guests in accordance with the letter dated 15th December, 1953 issued by Mr. R.B. Nathu Ram, Chairman of the Friends Colony Co-operative House Building Society. The letter dated 15th December, 1953 is reproduced hereinbelow:-

*“Friends Colony co-operative
House Building Society Limited, Mathura Road,
New Delhi.*

Dated : 15.12.1953

Dear Manohar Singh,

With regard to your request to have low lying area marked for children's park beside your plot to be filled I am sorry to say the Society has no funds to meet such heavy expenses. You please have it filled up and make use of it. The society has no objections.

Yours sincerely,

*(R.B. Nathu Ram)
Chairman”*

2. Consequently, this Court directs that the Total Stationery Method will be used to demarcate the said Area meant for children's park adjacent to Plot No.77. The demarcation would be done in the presence of the petitioner and other parties including the applicants with prior written notice on or before 22nd August, 2016 at the cost of the petitioner.
3. The petitioner will make the park operational within a period of twelve months from the date of demarcation. The concerned municipal authority shall have the right to visit, monitor the park and to give binding directions.
4. The petitioner will bear the expenses such as cost of rebuilding the boundary wall and infrastructure for its upkeep as well as provide electricity, water and security.

5. Pending any decision/judgment passed by competent Court/ Forum/Tribunal, the private respondents as well as applicants and their agents, attorneys, successors or any other persons shall have no right, title or interest in the said area as well as not claim any passage through this area and will not in any manner interfere with the construction or operation of the park.
6. All the parties are in agreement that, as of today, the 1,150 sq. yds. land on the western side of the proposed park is vacant. Parties further agree that no third party interest or any construction shall be carried out in the said premises by any party.
7. The statements made by learned counsel for parties are accepted by this Court and the parties are held bound by the same.
8. It is made clear that this Court in the present proceedings has not examined the issue of ownership or title or possession with regard to the area in question or neighbouring 1150 sq. yds. area. Any decision/judgment passed by any competent Court/ Forum/Tribunal shall be binding on the parties to the said proceedings.
9. This Court clarifies that it has expressed no opinion on the merits of the rival claims. Rights and contentions of all the parties are left open. No right or equity shall be claimed by either of the parties in pursuance to this Order.
10. The proceedings filed vide Diary Nos.4448 dated 16th November, 2015 and 4390 dated 9th November, 2015 and Case No.30/SDM/(DC)/SE/3805 before the SDM shall stand disposed of in accordance with this Court's Order. With the aforesaid observations and directions, the present writ petition and applications stand disposed of.

MANMOHAN, J

JULY 08, 2016
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