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

+ W.P.(C) 2196/2017

B BLOCK HARI NAGAR RESIDENTS WELFARE ASSOCIATION

..... Petitioner

Through Mr. Jatin Sapra and Mr. K.R.S. Minhas, Advocates.

versus

THE DELHI STATE ELECTION COMMISSION AND ORS..Respondent

Through Mr. Sumeet Pushkarna, Standing Counsel with Mr. Siddhartha Nagpal, Advocate and Mr. Giresh Pandey, Under Secretary, State Election Commission.

Mr. Sanjoy Ghose, ASC, GNCTD with Mr. Shishabh Jetley, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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17.03.2017

The grievance raised in the present writ petition by B-Block Hari Nagar Resident Welfare Association is that the Maharaja Agarsen Park is maintained by them. The park was earlier within the boundaries of Ward No.10-S (Hari Nagar). As per the delimitation exercise undertaken by the State Election Commission, the park now falls in Ward No.9-S (Subhash Nagar). It is submitted that the petitioner Association is maintaining this park and the community centre under the Public Private Partnership Agreement entered into with the South Delhi Municipal Corporation.

2. The delimitation exercise has nothing to do with the maintenance of

parks. The said delimitation would not in any manner prevent the petitioner Association from maintaining the park. The petitioner Association is trying to confuse the issue of maintenance, with delimitation. The delimitation exercise has been undertaken in terms of the Delhi Municipal Corporation Act, 1957 and the Wards have been demarcated with reference to several parameters. Demarcation of wards is relevant for election of Counsellors to the Municipal Assembly.

3. At this stage, learned counsel for the petitioner submits that House Nos.255-283, B-Block, Hari Nagar have been shifted from Ward No.10-S (Hari Nagar) to Ward No.9-S (Subhash Nagar). The petitioner has produced before us, a copy of the site plan of B-Block, Hari Nagar to show that these houses are contiguous and integral to B-Block, Hari Nagar. He submits that the petitioner would be making a representation to the State Election Commission for their consideration.

4. With regard to the second aspect, in view of the statement made, we observe that it is open to the petitioner to make a representation. It is clarified that we have not expressed any opinion on merits.

The writ petition is disposed of.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MARCH 17, 2017
NA