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

+ **W.P.(C) 9257/2017**

PURVANCHAL CHHAT AND SANSKRITIK
VIKAS SAMITI

..... Petitioner

Through Mr. Ritesh Singh, Advocate

versus

GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI AND ORS.

..... Respondents

Through Mr. Satyakam, ASC, GNCTD with Mr.
Pradeep, Licensing Branch, Delhi Police for
Respondent No. 1 to 4

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
24.10.2017

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1. The petitioner - a society registered under the Societies Registration Act, 1860 - has filed the present petition, *inter alia*, praying as under:-

- (a) issue an appropriate writ, order or direction prohibiting the Respondent No. 4 from issuing CP License to the Respondent No. 5 for organizing Chhat Puja at Chhat Ground on 26.10.2017 and 27.10.2017;
- (b) issue an appropriate writ, order or direction in the nature of mandamus directing the Respondent Nos. 2 and 3 to not allow the Respondent No. 5 to organize Chhat Puja on the Chhat Ground on 26.10.2017 and 27.10.2017;
- (c) issue an appropriate writ, order or direction in the nature of mandamus directing Respondent No. 5 to not erect any state on the Chhat Ground;

- (d) issue an appropriate Writ, Order or direction restraining the Respondent No. 5 from using the state or loud speaker for making any speech for furthering his political ambition;
- (e) Pass any such order and suitable order or orders in the nature of writ, order or direction which this Hon'ble Court deems fit in the peculiar fact and circumstances of the present case and in the interest of justice."

2. The learned counsel for the petitioner states that the petitioner has been granted a CP Licence for holding of the Chhat Puja at Chhath Ground, Khel Pansar, Aaya Nagar, New Delhi (the 'Chhath Ground'). It is further asserted that the petitioner has been conducting such Puja since the past 24 years. The grievance of the petitioner is that a licence has also been granted to respondent no.5 to conduct the Chhat Puja at the Chhath ground. Learned counsel for the petitioner states that the Chhat Ground is not large enough to accommodate two organizers and the same may lead to a law and order problem.

3. Mr Satyakam, learned counsel appearing for respondent nos. 1 to 4 states that the licences for conducting Chhat Puja had been granted by the police authorities after receiving due reports from the Local Police as well as Traffic Police. He submits that the question whether there would be a law and order problem was also examined and the licences had been issued only after considering the same.

4. The learned counsel for the petitioner has drawn the attention of this Court to the minutes of the meeting held in the office of the Sub-Divisional Magistrate, Mehrauli on 27.10.2016 wherein the District Magistrate (South) had, *inter alia*, suggested as under:-

" the use of public address system should only be done by the police to maintain law and order and to announce if any child is separated from his/her parents due to heavy public gathering. Though some member were of the opinion that they should be allowed to us stage but ultimately, both the societies agreed to the proposal of DM (South) in the interest of peaceful holding of the Chatt Pooja celebrations."

5. This Court is of the view that respondent nos.1 to 4 should re-examine whether the aforesaid suggestions as made by SDM, Mehrauli on 27.10.2016, could be implemented during the ensuing occasion. In the event, the concerned officers (respondents 1 to 4) are of the view that such measures would be appropriate, respondent no.4 will issue an immediate advisory directing that no person would be allowed to use the stage and the public address system would be used by the police authorities to assist the public in general and to maintain the law and order.
6. This Court is not inclined to interdict respondent no.5 from conducting Puja at the Chatth ground as the petitioner has no exclusive right for conducting such Puja.
7. The petition is disposed of.
8. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

OCTOBER 24, 2017

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