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

+ LPA 28/2018

BHARAT SADHU SAMAJ

..... Appellant

Through: Mr. Narinder Safaya, Adv.

versus

ST GIRI SCHOOL & ORS

..... Respondents

Through: Ms. Radhika Arora, Adv. for R-1
Mr. Rahul Mehra, SC (Crl.) with
Ms. Chaitanya, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **15.11.2018**

1. This Intra-Court appeal has been filed by appellant Bharat Sadhu Samaj challenging the order dated December 05, 2017 passed by the learned Single Judge in W.P.(Crl.) 435/2015 whereby the learned Single Judge has allowed the respondent No.1 School to set up a barricade at point 'X' in the site plan as filed before him. The ground on which the learned Single Judge has given the aforesaid direction was that such a direction shall be for the safety and security of the children studying in the School.
2. Mr. Safaya, learned counsel appearing for the appellant submits that there is an *inter-se* dispute between the appellant and the respondent No.1

School, as it is the case of the appellant that the land belongs to it. Even though, Mr. Safaya has stated that the respondent No.1 School, had purposefully not made the appellant Samaj, a party before the learned Single Judge, he conceded that the appellant did appear through him before the learned Single Judge and made submission as can be seen from para 4 of the impugned order.

3. The limited submission made by Mr. Safaya does not appeal us for the simple reason that in para 7, the learned Single Judge has held as under:-

“7. The Court is of the view that whatever may be the claim of the parties, the primary concern of all would be the safety and security of the school children studying in the school from Nursery till class V. They cannot be carelessly or knowingly exposed to an untoward incident which may arise because of non-existence of a wall or fence on the school perimeter.”

4. The learned Single Judge has given the direction for the safety and security of the children studying in the School. In no way, the learned Single Judge has commented on any claim of the parties before him. We do not see any reason to interfere with the impugned order. The appeal is dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 15, 2018/ak