

\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7477/2018, CM No.28594/2018 (for stay) & CM
No.36227/2018 (u/O I R-10 CPC)
SAMRRIDH BHARAT TRUST (REGD.) Petitioner

Through: Mr. Kawal Choudhary, Mr. R.K.
Sahini, Mr. Asutosh Lohia & Mr. P.
Mehta, Advs.

Versus

EAST DELHI MUNICIPAL
CORPORATION & ORS. Respondents

Through: Mr. Gaurav Rohilla, Adv. for R-1&2.
Mr. Rajat Aneja, Ms. Chandrika
Gupta, Ms. Nisha Sharma & Mr. S.
Mannan, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **09.10.2018**

1. This petition has been received post lunch in accordance with the General Administrative Direction of Hon'ble the Chief Justice on account of Roster Judge being on leave.
2. The counsel for the petitioner, counsel for the proposed respondent no.4 Mrs. Geeta Rawat and the counsel for the respondents no.1 and 2 East Delhi Municipal Corporation (EDMC) have been heard.
3. This petition came up first before this Court on 20th July, 2018, since when it has been repeatedly adjourned and no notice even has been issued till now.
4. The counsel for the respondents no.1&2 EDMC has however been appearing on advance notice.

5. The urgency is expressed today, stating that the *Ram Leela* festivities are to begin from tomorrow and directions are required.
6. The counsel for the petitioner argues that (i) the petitioner has been holding *Ram Leela* from the subject location for the last several years; (ii) according to the requirements of EDMC, an applicant desirous of holding *Ram Leela* in a public place is required to take 'No Objection' of the Municipal Councillor of the area; (iii) the Chairman of the petitioner trust had fought an election against the Municipal Councillor and the Municipal Councillor thus did not grant permission to the petitioner but the petitioner has obtained permission from the Mayor of EDMC; and, (iv) notwithstanding the same, no permission has been granted till now.
7. CM No.36227/2018 under Order I Rule 10 of the CPC has been filed by the petitioner to implead the Municipal Councillor of the area Mrs. Geeta Rawat as respondent no.4 to this petition. Though notice of the said application has also not been issued to Mrs. Geeta Rawat, Municipal Councillor but her counsel appears and opposes the petition on several grounds. However, one of his arguments is that the Municipal Councillor, after weighing "both the applications" has found the respondent no.3 Dev Bhoomi Sanskritik Dharmik Samiti (DBSDS) more suitable to hold *Ram Leela* from the subject ground.
8. The counsel for the petitioner, on enquiry states that both respondent no.3 and the petitioner have commenced preparations for holding *Ram Leela* from subject location with effect from tomorrow.

9. The counsel for respondents No.1&2 EDMC states that respondent No.3 DBSDS has been granted permission to hold *Ram Leela* from subject location, for this year.

10. In fact the petitioner also appears to be aware of the said fact and that's why impleaded DBSDS as respondent No.3.

11. Since the respondent no.3 DBSDS has already been granted permission and the petitioner in this petition, though being listed since 20th July, 2018, has been lackadaisical and has not been able to even have the order of issuance of notice and the *Ram Leela* is due to commence with effect from tomorrow evening, this petition is now found to have become infructuous and is disposed of as such.

RAJIV SAHAI ENDLAW, J

OCTOBER 09, 2018

‘gsr’..