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

+ **W.P.(C) 10882/2018 and CM No. 42466/2018**

PRAMOD KUMAR SHARMA AND ANR. Petitioners

Through: Mr R.K. Sharma, Advocate with Ms
Dezy Gaur, Advocates.

versus

STATE THROUGH GOVT. OF NCT OF DELHI
AND ORS.

..... Respondents

Through: Mr Anjum Javed, ASC for GNCTD
with Mr Devendra, Mr Faran Ahmed,
Advocates with Inspector Khushal
Singh (Licensing), Inspector Deepak
Malik and SI Navin Kumar, PS Rani
Bagh and Mr Manish, Fir Service for
R-1 to 4 and 7.
Mr Bhupesh Narula and Mr Rinku
Dhingra and Mr Anil Kumar,
Advocates for R-5.
Mr Akhil Mittal, Addl. Standing
Counsel for NDMC/R-6.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.10.2018**

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“Issue a writ, order or direction in the nature of mandamus directing the respondents No. 1 to 4 & 6 to 7 to direct/restrain the respondent No. 5 from holding the Rawan Dahan function /performance/ activity in the small ground situated in Harsh Vihar locality, Pitampura, Delhi

which is around the houses of the petitioners and other residents of the society on the day of Dusshera of the year 2018 or any other date as shown red in the site plan attached with the petition without statutory clearance.”

2. The petitioners are residents of a residential colony named Harsh Vihar, Pitampura, Delhi. Petitioner no. 2's residential house is facing an open ground, which the petitioners claim measures about 800 sq. yards. They are, essentially, aggrieved by the function which is proposed to be held by the Residents Welfare Association (respondent no.5 – RWA) for celebrating the festival of Dusshera.
3. The petitioners state that the burning of effigies in the ground and installation of kiosks in and around the said ground, is most inconvenient and, in fact, renders the residents hostages in their own houses, as it is impossible for them to either access them or exit from them. It is stated that the kiosks and stalls put up on the roads severely restricts the movement of the residents, who resides in the houses facing the park in question.
4. It is in on the basis of the aforesaid averments that the petitioners pray that the respondents be restrained from holding the *Ravan Dahan* function, as proposed.
5. Notice on this petition was issued to the respondents on 10.10.2018 and Mr Javed, the learned counsel appearing for respondent nos. 1 to 4 (the police authorities) had sought time to examine whether the licensing authority had considered the relevant factors before according its approval for holding of the function in question. He has handed over a status report, which indicates that the function is scheduled to be held in an open area which measures approximately 2269 sq. yards and not 800 sq. yards as

stated in the petition. It is also stated that the said function has been held at the same venue for the past several years. In addition, the status report also indicates that the site in question was inspected and report from the concerned local police authorities was also obtained. It is stated that approximately 400 persons are expected to attend the said function and the traffic police has also issued a No Objection Certificate (NOC) for the same. The local police have also issued its no objection. The electricity and the fire department have also issued the necessary guidelines that are required to be followed.

6. The learned counsel appearing for the respondents also handed over photographs of the area which indicates that the said open ground is used for parking of vehicles. It is seen that there is hardly any vegetation on the said ground, and it appears to be sufficiently used for holding the function as proposed to be held.

7. It is stated that respondent no. 5(RWA) has complied with all the formalities and has furnished the undertakings as required. The petitioners have been unable to establish any flaw in the decision making process. Since, the concerned authorities have examined the ground in question from all relevant aspects, it is difficult for this Court to accept that any interference is warranted.

8. However, since the petitioners have made a grievance with regard to congestion in the colony, the concerned traffic police shall ensure that access for the residents of the colony in question, is not hindered.

9. The petition and the pending application are disposed of with the aforesaid direction.

10. Order *dasti* under the signatures of the court master.

VIBHU BAKHRU, J

OCTOBER 12, 2018/RK