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

+ LPA 106/2019 & CM APPLs. 6955-57/2019

GREEN PARK ASSOCIATION (REGD) Appellant
Through: Mr. Lzafeer Ahmad with
Mr. Siddharth Naidu, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS
..... Respondents
Through: Mr. Gaurang Kanth with Mrs. Biji
Rajesh, Ms. Eshita Baruah &
Mr. Aman Bakshi, Advs. for SDMC.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **15.02.2019**

CM APPL. 6956/2019 (*exemption*)

Allowed, subject to just exceptions.

LPA 106/2019 & CM APPLs. 6955/2019 (*stay*) **& 6957/2019**

1. Challenging orders dated 23.01.2017 passed by the learned writ court in W.P.(C) 5629/2013 and the review application with regard to utilization of a small lawn in the Green Park Market as a parking area and issuing certain directions so as to develop a multi-level parking project in the area, the Residents Association has filed this writ petition.
2. *Inter alia* contending that in permitting conversion of a park into a parking area, an error has been committed which is impermissible and

therefore should not be permitted. Having heard learned counsel for the parties, we find that the learned writ court went into various aspects of the matter and found that the area is in front of a market. It is consistently being used as a parking area by the public and when the matter was taken up in review, the learned writ court again re-evaluated the entire issue in extenso and in Paras 19 and 20 came to the following conclusion:

*“19. There is, significantly, no denial, about the said fact even in the present application. The case made out is solely premised on the ground that the area in question was designated in the layout plan as a park, and could not, therefore, have been used for parking vehicles, by the SDMC. The order dated 23rd January, 2017, has, in view of the situation noticed in the area, to which detailed allusions already stand made hereinabove, noted the purported concession, made by learned counsel for the petitioner who appeared on the said date, to the effect that, in public interest, the **aventional** for parking could continue. It cannot, in my view, be said that the impugned order suffers from any such manifest, error on law or fact, as would warrant interference, therewith, by this Court, in exercise of its limited review jurisdiction. The order has obviously been passed in public interests, as is also reflected from the fact that a recommendation is to found, in the concluding paras thereof, for construction of a multilevel parking.*

20. Without making any further observations on the order dated 23rd January, 2017, I am of view that no case, for exercise of review to jurisdiction, with the said order, is made out.”

3. Once we find that looking to the peculiar facts and circumstances of the case and in view of the observations as detailed hereinabove, the learned writ court has refused to interfere into the matter, we see no reason to make any indulgence into the matter as the issue relating to parking and the

direction issued is primarily to sub-serve public interest at large.

4. The appeal is, therefore, dismissed. The pending applications also stand disposed of accordingly.

CHIEF JUSTICE

V. KAMESWAR RAO, J

FEBRUARY 15, 2019

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