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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2742/2019, CM No. 12669/2019

RESIDENTS OF BODAL GALI

..... Petitioner

Through: Mr. Harsh Kumar, Adv.

versus

EAST DELHI MUNICIPAL CORPORATION

..... Respondent

Through: Ms. Biji Rajesh and Ms. Eshita
Baruah, Advs. for Mr. Gaurang
Kanth, Adv. for EDMC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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03.04.2019

The present petition has been filed by the petitioner with the following prayers:

“In the above facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be graciously pleased to:-

a) Issue a writ, order or direction in the nature of a writ of mandamus or any other appropriate writ or order or direction under Article 226 of the Constitution of India for restraining the respondent from renaming the BodalGali, also known as BadalSingh Galior Ch. BodalSingh Gali, to Hanuman Mandir Marg or any other name, in the interest of justice.

b) Issue a writ, order or direction in the nature of a writ of mandamus or any other appropriate writ or order or direction under Article 226 of the Constitution of India for further restraining the respondent from removing the signboard of Ch.Bodal Singh Gali placed at the entrance of Bodal Gali, in the interest of justice.

c) Issue a writ, order or direction in the nature of a writ of mandamus or any other appropriate writ or order or direction under Article 226 of the Constitution of India directing the respondent to remove any other sign board or any equivalent board renaming the Badal Gali, in the interest of justice.

d) Pass such other further order or orders as this Hon'ble Court may deem fit and proper in the facts of this case and in the interest of justice."

It is the submission of the learned counsel for the petitioner that the respondent intends to change the name of the street from *Ch. Bodal Singh Gali* to *Hanuman Mandir Marg* which is impermissible, in terms of instructions issued by Ministry of Home Affairs.

Learned counsel for the respondent had sought time to take instructions. As per her instructions the MCD had taken decision to name the gali as *Hanuman Mandir Marg* in the year 2016-17. In other words, there is no renaming of the gali. She has produced the relevant documents

in that regard.

According to her, this decision has not been challenged. On a specific query to the learned counsel for the petitioner whether there is any decision naming the street as *Ch. Bodal Singh Gali*, the answer is in the negative. Be that as it may, no mandamus in the nature sought can be issued by this Court as the naming / re-naming of street is within the domain of the executive and the Court cannot substitute the executive opinion with its own opinion. In this regard, I may refer to the judgment of the Division Bench of this Court in ***W.P.(C) 7982/2015 Ved Pal v. Govt. of NCT of Delhi & Anr. decided on September 17, 2015*** wherein the Division Bench of this Court in paras 10 to 12 held as under:-

“10. In our opinion, there is no public interest involved in the present writ petition. Admittedly, naming or re-naming of a station is an administrative act. It is not for this court to substitute the decision of the administrative authority with its decision; merely because it appears to be a better decision.

11. Reference may be had to the judgment of Supreme Court in the case of Tata Cellular v. Union of India, AIR 1996 SC 11 where in para 94 the Supreme Court held as follows:

“94. Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfillment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case, shortly put, the grounds

upon which an administrative action is subject to control by judicial review can be classified as under :
(i) Illegality: This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.
(ii) Irrationality, namely, Wednesbury unreasonableness,
(iii) Procedural impropriety.”

12. Admittedly, in the present case the station is named as Arjan Garh Station on account of an Air Force Base known as Arjan Garh Air Force Base. The discretion exercised by the respondents to name the station after the Air Force Station cannot termed to be grossly arbitrary or irrational. There is no public interest involved.”

The writ petition is dismissed.

CM No. 12669/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

APRIL 03, 2019/aky