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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11.10.2019

+ W.P.(C) No.1735/2018

**NANGLOI PHASE - II RESIDENTS WELFARE
ASSOCIATION**

..... Petitioner

Through: None.

Versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Jagdeep Kumar Sharma, Adv.
with Mr.Mahesh Singh, Adv. for R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE REKHA PALLI

D.N. Patel, Chief Justice (Oral)

1. When the matter is called out, nobody appeared on behalf of the petitioner. We have heard the counsel appearing for the respondent who has submitted that North Delhi Municipal Corporation had earlier decided to construct a double storeyed Re-creation Centre on a plot at D-Block, Phase-II, Nangloi, Delhi for the use of senior citizens but subsequently due to paucity of funds, it was decided to construct the Re-creation Centre upto the ground floor. A short affidavit in this regard has been filed on 31.05.2018 stating the ground floor of the Re-creation Centre has already been constructed and was likely to be made operational soon. It is further submitted by counsel for the North Delhi Municipal Corporation that after considering the priorities of the works and availability of the funds, the proposal for

construction of the first floor of the recreation centre for the senior citizens has been dropped.

2. In view of the aforesaid submission made by counsel for North Delhi Municipal Corporation and also looking to the fact that due to shortage of funds, the Re-creation Centre for senior citizen could not completed as proposed, we see no reason to give any direction and much less we do not want to issue a writ of mandamus for the aforesaid purpose. As and when such funds are available, the North Delhi Municipal Corporation may construct the first floor of the Re-creation Centre for senior citizens as per their own policy and as per the priority of the work. It should be kept in mind that the Municipal Corporations may have their own list of priorities of works in which Re-creation Centre cannot be given priority. Health, Education and similar and several other subjects can only be on top of the priority list of the Corporation. Recreation is such subject that it may not have a top priority. In case extra funds are available with the respondent, the Re-creation Centre in question can be further constructed or completed upto the first floor.

3. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

REKHA PALLI, J

OCTOBER 11, 2019/aa