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

+ **W.P.(C) 7325/2016**

INDER DUTT SHARMA

..... Petitioner

Through: Mr. Tarumesh Kumar, Mr. Narendra
Singh and Ms. Rishina Parashar,
Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Ms. Monika Arora, SC for North
DMC with Mr. Kushal Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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20.03.2019

CM No. 44923/2016

This is an application filed by the North Delhi Municipal Corporation for recall of order dated August 19, 2016 passed in the writ petition. Suffice it to state that vide order dated August 19, 2016 the writ petition was disposed of on the basis of the statement made by the counsel for the North Delhi Municipal Corporation that the proposal for fixation of board of identification at the entrance gate of the Central Market Ashok Vihar, K.C. Goel Marg, Delhi, in the name of "*Pt. Devi Dutt Sharma Dwar*" stood approved on March 10, 2016 and that the same shall be implemented as expeditiously as possible, within an outer limit of six weeks from that date.

In the application, it is stated that the original resolution had been passed on the basis of proposal of the Councillor and the said Councillor has now, in her representation to the Corporation, sought for deletion of the name of “*Pt. Devi Dutt Sharma Dwar*” in the Central Market, situated at K.C. Goel Marg, Ashok Vihar, Phase-I Delhi. In this regard, I may note that it is the stand of the North Delhi Municipal Corporation that the Area Councillor has represented that she had neither recommended the name of the gate by any communication nor the communication was signed by her.

In substance, it is the case of the Councillor namely Smt. Poonam Bharwdwaj that no letter proposing the naming of the gate as “*Pt. Devi Dutt Sharma Dwar*” was signed by her. I also note that in the application, the respondents have placed on record Resolution No.95, Serial No.105 of the Naming and Re-Naming Committee of the North Delhi Municipal Corporation (page 17 and 18 of the application) wherein the Committee has recommended the deletion of the name of the main entrance gate as “*Pt. Devi Dutt Sharma Dwar*”. A reply to the application has been filed by the petitioner / non applicant contesting the stand of Smt. Poonam Bhardwaj that the signature are not hers.

According to the learned counsel, the said stand is an afterthought,

adopted only on the asking of the shop keepers of the market, who were opposing the said Resolution. He also states that the initial Resolution was passed in the presence of Smt. Poonam Bhardwaj, when she did not challenge the genuineness of her own letter.

Having heard the learned counsel for the parties, I note that based on the representation by Smt. Poonam Bhardwaj, the Naming and Re-Naming Committee of the North Delhi Municipal Corporation has accepted her stand and has recommended and decided to delete the name of the main gate as “*Pt. Devi Dutt Sharma Dwar*”.

If that be so, this Court cannot go into the aspect whether the representation of Smt. Poonam Bhardwaj, on the basis of which initial Resolution of naming the gate as “*Pt. Devi Dutt Sharma Dwar*” was taken, was genuine, especially with the Naming and Re-Naming Committee having accepted her stand and has taken a decision on same. This Court is of the view that such a decision cannot be interfered with. Accordingly, the order dated August 19, 2016 is recalled and the application is allowed.

Noting the prayer made in the writ petition and also the position of law in terms of the judgment of the Division Bench of this Court in the case of *W.P.(C) 7982/2015 Ved Pal v. Govt. of NCT of Delhi and Anr.* wherein

this court has held as under, this Court is of the view that the present petition is without merit, the same is dismissed.

“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”.

V. KAMESWAR RAO, J

MARCH 20, 2019/aky