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

+ **CONT.CAS(C) 760/2020**

CONFERENCE FOR HUMAN RIGHTS (INDIA) (REGD.)

..... Petitioner

Through: Mrs. Nanita Sharma, Mr. Vivek
Sharma, Ms. Diksha Tiwari and Mr.
Suranjan S. Roy, Advs.

versus

SH. ANURAG JAIN (IAS), VICE-CHAIRMAN, DDA & ANR.

..... Respondents

Through: Ms. Prabhsahay Kaur, SC with Mr.
Inder Singh Gurm, Advocates
(M:9711778471)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **14.02.2024**

1. The present petition has been filed alleging non-compliance of the order dated 20th March, 2013 passed in *W.P.(C) 4908/2008*.
2. The aforesaid writ petition had been filed earlier by the petitioner seeking restraint on the respondent-Delhi Development Authority ("DDA") from constructing any sports complex in the open green area between Jahapana Club and NRI complex on the one hand and pocket 52, Chittaranjan Park, on the other hand. The said writ petition had been disposed of on the statement given by the DDA that proposal for construction of a sports complex in the green area had been dropped and there was no such proposal for construction of any sports complex therein.
3. The present contempt petition has been filed on the ground that the



respondents are not maintaining the said area as green area and were raising construction therein.

4. Ms. Prabhsahay Kaur, learned Standing Counsel for respondent-DDA submits that the area in question is being maintained as a green area and there is no proposal for construction of any sports complex. She submits that only playing equipments for children were being installed so that the children living in the vicinity could enjoy the green area, maintained as a park.

5. She draws the attention of this Court to the affidavit dated 11th December, 2020 filed on behalf of the DDA, relevant portion of which reads as under:

“xxx xxx xxx

5. It is humbly submitted that the grievance of the Petitioner in the present petition is entirely misplaced and incorrect. Not only is there no willful disobedience or for that matter, disobedience of the Orders dated 14.08.2008 and 09.02.2009, but there is no ongoing construction of Mini Sports Complex in the area in question.

6. It is submitted that the DDA maintains Green area/parks under its jurisdiction with greenery, grass, Plants, etc. and provides facilities for all age groups, such as, walkways, yoga platforms, open gyms, rain shelter, Children Play equipment etc.

*7. That with a view to provide the best facilities to the residents of this city, the answering Respondent/DDA took steps to upgrade/modernise the park in question to provide state of the art facilities to the residents. Accordingly, vide Tender dated 14.08.2020, tender was issued by DDA to M/s Tadellos Corporation for the upgradation and moderation of existing parks in the South Zone. The Schedule of work along with the Tender dated 14.08.2020 provides details of the Civil work to be carried out and the Children's equipment to be installed i.e. Mini Play House, Double Arch Swing, See-Saw Double, Single Wave Climber, Toddler Swing, Multi activity play system, Wheel chair swing, Multi seater see-saw, etc. A Copy of the Tender dated 14.08.2020 issued by DDA alongwith the Schedule, detailing the proposed work is annexed herewith and marked as **Annexure A-1***



*(Colly). Copy of photographs of the Children equipment proposed to be installed and the play area proposed to be provided for the benefit of the residents are annexed herewith and marked as **Annexure A-2 (Colly)**.*

*8. It is reiterated that the park is being facilitated by providing and installing of new sets of Children Play equipment as the earlier 3 sets of equipment were insufficient and had become old and unsafe of Children. For this purpose, an area of 23 x 23 mtrs was earmarked, wherein 9 equipment are being installed and scattered seating platforms at a periphery of 2 ft height made of brick masonry with stone finishing are being provided. The landscape drawing of the park containing therein the work proposed is annexed herewith as **Annexure A-3**.*

9. It is submitted that no Mini Sports Complex or heavy construction work is presently proposed or being executed in the park. The case of the Petitioners is absolutely incorrect, wrong and false.

xxx xxx xxx”

6. Reading of the aforesaid clearly shows that the DDA intends to install children playing equipments in the said green area be maintained as a park, like See-Saw, Toddler Swing, Multi activity play system, Wheel Chair Swing, etc.

7. Attention of this Court has also been drawn to the affidavit dated 20th July, 2021 filed on behalf of DDA, relevant portion of which reads as under:

“xxx xxx xxx

*3. That it is submitted that in compliance of the Order dated 25.02.2021, the answering Respondent/DDA has proposed a new pattern comprising of 9 different kinds of play equipment in cluster in a designated/defined space of 23.00 X 23.00 mtrs well facilitated with the provision of rubberized flooring (24 mm thick SBR tile Styrene Butadiene Rubber) for the safety and comfort of the children and With silting arrangements for parents/guardians on the periphery made with brick masonry platform furnished with stone slabs which are at sufficient distance from the equipment to be provided/installed. A Copy of Layout Plan marked as 'Site A' and 'Site B' for new set and old set are annexed herewith and marked as **Annexure A-1 (Colly)**. Moreover, the edges of the stones slabs shall be grinded to make the edges*



smooth and not sharp bearing in mind safety of children. A Copy of the arrangement plan along with photographs of the children equipment proposed to be installed and the play area proposed to be provided for the benefit of the residents are annexed herewith and marked as Annexure A-2 (Colly).

4. That it is further submitted that the provision of plantation has been made in specified spaces near the set of playing equipment where Ficus Benjamina shall be planted.

5. That it is clarified herewith that only 3 old swings for children were provided/ are existing in the park, near the main entrance at scattered and at random points in the park area. Moreover, because this area is dense old and existing tress such as Arjun, Siris, Bargad, Pilkhan, Gular, Semal, etc. this space is not safe for children to play. A Copy of photograph of the existing site B is annexed and marked as Annexure A-3.

xxx xxx xxx”

8. Learned counsel has also drawn the attention of this Court to the photographs attached with the affidavit, which show the proposed swings intended to be installed in the park and the manner in which a children's area is proposed to be developed in the said park, by installing playing equipments in the area.

9. A perusal of the aforesaid clearly shows that the DDA is maintaining the area in question, as a green area, for use as a park.

10. Considering the aforesaid, this Court is of the view that installation of playing equipments for children in no manner changes the character of the green area or hinders the use of the park. Rather, installation of playing equipments for the children encourages better use of the park and promises better enjoyment of the park by the children of the area.

11. Thus, no contempt can be said to have been committed by the respondent - DDA.



12. The present petition is accordingly, dismissed.

FEBRUARY 14, 2024
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MINI PUSHKARNA, J