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

+ **W.P.(C) 8810/2024**

**RESIDENT WELFARE ASSOCIATION G AND K BLOCK MAIN
ROAD KALKAJI NEW DELHI** Petitioner

Through: Ms. Khushboo Kohli, Advocate

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondents

Through: Mr. Manu Chaturvedi, Standing
Counsel for MCD with Ms. Devika
Singh Roy Chowdhury, Advocate
with SI Vikrant, P.S. Kalkaji
Mr. Kunal Lakra, Advocate for Mr.
Ashim Vachher, SC for DDA

**CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR
KAURAV**

**ORDER
01.07.2024**

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1. The petitioner in the instant writ petition seeks to challenge the notifications dated 29.12.2022, 03.05.2023 and 23.05.2023 passed by respondent No.1.
2. The principal ground raised by the petitioner is that *vide* aforesaid notifications, the said respondent seeks to convert the public park situated at Govind Puri, K-Block, Gali No.1, Kalkaji, into a parking site in violation of the provisions of various Statutes while exceeding its jurisdiction.
3. The facts would show that the petitioner is a resident welfare society



registered under the Societies Registration Act, 1860 and the same is located diagonally opposite to the concerned public park. As per the petitioner, the said park is being used by the residents of surrounding areas for recreation purposes and for organising various other events. However, through the impugned notifications, respondent No.1 issued e-tender notice alongwith offer letter and possession letter for allotment of surface parking sites.

4. On 14.08.2023, the Ram Leela Yuva Committee obtained permission from respondent No.1 for utilising the open space in the park for holding Ram Leela celebrations for a period of ten days. A notification to that effect was issued to the tenderer on 18.08.2023. Aggrieved by the said notification, the tenderer preferred a writ petition bearing W.P.(C) No. 12568/2023, wherein, this Court *vide* order dated 22.09.2023 held that the 50% of the parking site would be vacated for Ram Leela celebrations for the concerned period while the remaining 50% shall be utilised by the tenderer.

5. A bare perusal of the notification dated 29.12.2022 would indicate that the Municipal Corporation of Delhi (hereinafter 'MCD') invited e-tender for the aforesaid purpose way back on 29.12.2022 itself. It is also noticed that in W.P.(C) No. 12568/2023, which came to be decided by this Court on 22.09.2023, wherein, the concerned contractor/tenderer was aggrieved by some of the actions taken by the MCD, the present petitioner also participated in the proceedings therein. Despite the aforesaid circumstances, the petitioner chose not to challenge the principal notification and instead preferred to challenge the same with few other subsequent notifications issued in the year 2024, after almost about two years. Learned counsel for the petitioner submits that the petitioner was not aware of the initial notification and therefore, the same could not be



challenged earlier.

6. However, looking at the facts and circumstances involved in the instant case and more importantly, the fact that the petitioner in the year 2023 did participate in W.P.(C) No. 12568/2023, the petitioner's submission seems to be bereft of merit. Under the circumstances, at this stage, it would be highly inappropriate to interdict the parking facility which has already been created. Moreover, there does not appear to be any infraction of fundamental rights of the petitioner which would warrant any indulgence by this court while exercising the extraordinary writ jurisdiction. If the petitioner so desires, it may take alternative remedy for ventilation of its grievance and if such recourse is taken, the same shall be decided in accordance with law without being influenced by any of the observation made hereinabove.

7. With the aforesaid observations, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JULY 1, 2024

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