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

+ **W.P.(C) 11381/2019**

MANISH ANAND

.....Petitioner

Through: Mr. Mayur Srivastava, Ms. Aayushi
Sharma, Mr. Kunal Goswami, Advs.

versus

**SOUTH DELHI MUNICIPAL CORPORATION
AND ORS.**

.....Respondent

Through: Mr. Akshay Verma, Mr. Abhinav
Singh, Advs.
Ms. Richa Dhawan, SC, Mr. Anuj
Chaturvedi, SC, Ms. Harshita
Maheshwari, Advs.
Mr. Rishab Raj Jain, SC for BSES.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

18.09.2024

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1. During the pendency of the instant writ petition, various orders came to be passed by this Court. However, the Court takes note of the reply/affidavit dated 03.03.2020 filed by the Corporation, specifically paragraph no.2 therein, which reads as under:-

"2. I say and submit that this Hon'ble Court was pleased to direct the SDMC/ I ' Respondent to submit status report on the park in . question and as per the department there is a Park in front' of House No.21 Block-AD, Ward No.5S, Tagore Garden, New Delhi. The said park fall within the category of developed park and is covered with boundary wall and iron grill from four corners. The said part is also having four partitions by way of footpath, one of them is specifically mentioned as "CHILDREN PLAY", which is meant specially for



playing the children, one portion is having green shelter and rest of the two parts were developed with grass and plants. This park is also having arrangement of department. Total area of the part is 0.54 Acre out of which in 0.13 Acres is meant for playing the children. A copy of Report is alongwith Rough sketch of the park is annexed herewith as Annexure-A.”

2. As per the record of the respondent-Corporation, there exists a park in front of House no.21 Block AD, Ward No. 5S, Tagore Garden, New Delhi. It is further seen that the park is spread over an area of 0.54 acre, out of which, 0.13 acre is meant for children. Various facilities also appear to have been made available for children’s playing.
3. Having gone through the averments made in the reply, the Court directs the Corporation to abide by the stand taken therein and to ensure that the total area of the park i.e., 0.54 acres should not be encroached upon by anyone, in any manner, whatsoever.
4. The Corporation is further directed to ensure that the part of the park i.e., 0.13 acre which is earmarked for playing of the children should also remain unencroached and be utilised for the said purpose. If the said part of the park requires further necessary arrangements/equipments, let the same be also done within a reasonable period of time. Let the children park be kept open between 6:00 am to 10:00 pm, unless the timings are altered by the order of the Commissioner, Corporation for any valid reason.
5. In view of the stand taken by the Corporation in its affidavit dated 03.03.2020, at this stage, the Court deems it appropriate to dispose of the instant writ petition with the directions as above.
6. The Court appreciates the assistance rendered by Mr. Arjun Mitra, Advocate, who was appointed as *amicus curiae* in the matter.



PURUSHAINDRA KUMAR KAURAV, J
SEPTEMBER 18, 2024/KG