



2024:DHC:5975-DB



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

+ LPA 769/2024 & C.M.No.45614/2024

**SRI AWADH RAM LEELA COMMITTEE VASHNU MATA
MANDIR & ANR.**

.....Appellants

Through: Ms.Sanya Dua with Ms.Yashi Bajpai
and Mr.Samarth Sharma, Advocates.

versus

DELHI MUNICIPAL CORPORATION & ORS.Respondents

Through: Ms.Manika Tripathy, standing
counsel for DDA with Mr.Ashutosh
Kaushik and Mr.Rony John,
Advocates.

Mr.Mukesh Gupta, standing counsel
with Mr.Shashi Gupta and Mr.Arn timer
Gupta, Advocates for MCD.
Mr.Rahul, Legal Assistant, DDA.

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Date of Decision: 09th August, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present letters patent appeal has been filed challenging the order dated 15th July, 2024 passed by the learned Single Judge in W.P. (C) 12779/2023, whereby the writ petition filed by the appellants, seeking extension of *Ram Leela* ground to seven acres and connecting the said ground with the main road of Mukundpur, was dismissed on the ground that appellants have failed

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LPA 769/2024

Page 1 of 3



to prove that the respondents failed to perform their public duty.

2. The appellants are aggrieved by the fact that the area currently allotted to them by the MCD on license basis for organising, holding and staging *Ram Leela* is small, inconvenient and not easily accessible.

3. Learned counsel for the appellants states that the right to organise *Ram Leela* is a fundamental right and protected under Articles 25 and 26 of the Constitution. She contends that the area presently allotted by the MCD restrains the appellants from exercising their fundamental right. She states that prior to 2004, the area utilised by the appellants was adjoining the main road of Mukundpur colony. She however states that the present area allotted by the MCD is away from the main road and as such, not easily accessible. She contends that the learned Single Judge failed to consider that the issue of accessibility has exacerbated due to rise in the population of Mukundpur colony since 2004. She states that holding *Ram Leela* at the same venue will disrupt traffic, cause safety as well as law and order issues.

4. Having perused the paper book, this Court finds that the appellants have admitted before the learned Single Judge that MCD provides a portion of 2½ acres land to the appellants for organising *Ram Leela* and that the adjoining land does not belong to DDA or MCD, but belongs to the forest department. Therefore, as no other land is available, the learned Single Judge has rightly dismissed the prayer for grant of additional land to the appellants.

5. This Court is further of the view that that the appellants have no fundamental right to insist on organising *Ram Leela* on a particular land or in the vicinity of a particular colony. No judicial direction and/or order can be issued to the statutory authority to acquire land for the purpose of



2024:DHC:5975-DB



organising any religious event.

6. This Court is also in agreement with the learned Single Judge that the appellants have failed to show that the respondents failed to perform their public duty

7. Accordingly, the present appeal, along with pending application, being bereft of merit is dismissed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 9, 2024
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