



\$~31

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 197/2020 & CM APPL. 51223/2022**
STATE EDUCATION COMMITTEE (REGD.)Petitioner
Through: **Mr.Shubham Gupta, Adv.**

versus

DELHI DEVELOPEMNT AUTHORITY AND ORS.Respondents
Through: **Mr.Tushar Sannu and Mr.Hardik Saxena, Advs for DWB.**
Ms.Prabhasahay Kaur, SC for DDA with Ms.Palak Mathur, Adv.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
% **23.07.2024**

1. The petitioner in the instant petition seeks the following reliefs:-

"It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to issue a Writ of Mandamus or any other appropriate writ directing thereby to the respondent to not allow any person to carry out any illegal and unlawful activities in the premises of the Shahi Idgah, Quresh Nagar and in the Public Park adjoining to the Shahi Idgah and the other nearby public places such as footpath etc. surrounding to the Shahi Idgah, Quresh Nagar, Sadar Bazar, Delhi -110006.

Any other and further order which this Hon'ble Court deems fit and proper may also be passed and in favour of petitioner and against the respondents."

2. As per the averments made in the instant writ petition, the grievance appears to be with respect to non-maintenance of the public park next to Shahi Idgah, Quresh Nagar.

3. The Court, after taking cognizance of the writ petition, directed for issuance of notice.



4. The respondent-Delhi Development Authority (DDA) in terms of paragraph no.3 onwards in its affidavit, states as under:-

" 3. That the public park adjoining the Shahi Idgah, Quresh Nagar, Sadar Bazar, Delhi-11 0006 known as Idgah Park (hereinafter referred to as "Park") is admeasuring 12.27 acres and is being maintained by Horticulture Division-II of the Respondent No. 1/DDA. In this regard, it is humbly submitted before this . Hon'ble Court that the Park is not being misused and the Park's regular upkeep is being done so as to facilitate accessibility to the public visitors for recreational purposes.

4. That there is a community centre just opposite Shahi Idgah, Quresh Nagar, Sadar Bazar, Delhi-11 0006 and the same is being used for the purpose of organizing marriage ceremonies, functions, etc. It is submitted that the community centre is not a part of the park.

5. That there is no encroachment on the land of the park, therefore, the allegations made against the encroachment on the land of Park as also against the officials of Respondent No. 1/DDA are wrong and unfounded. It is incorrect to state that the Park is being let out for commercial purposes.

6. That the Deponent undertakes to abide by any directions passed by this Hon'ble Court in this regard. In light of the status given herein, the instant petition be dismissed."

5. As per the stand taken by the respondent-DDA, it is seen that the aforesaid park is maintained by the Horticulture Division-II of DDA and the park is not being misused and regular upkeep is being done in order to facilitate accessibility to the public visitors for recreational purposes.

6. The Delhi Waqf Board (DWB) has also placed on record its Status Report and in terms of paragraph no. 5 therein with respect to encroachment, it has been asserted that the responsibility would lie with respondent-DDA and Municipal Corporation of Delhi. However, the DWB has not authorised any individual to use the park apart from religious activity.

7. It is thus seen that as on date, there is nothing on record to infer as to whether the aforesaid park is being misused or is under encroachment. Hence, the Court is not inclined to keep the instant writ petition pending.



Liberty is reserved in favour of the petitioner to take appropriate remedy in case the petitioner finds any misuse or encroachment of the park.

8. With the aforesaid liberty reserved in favour of the petitioner, the instant petition stands disposed of alongwith the pending application.

PURUSHAINdra KUMAR KAURAV, J

JULY 23, 2024/MJ