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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 9th September, 2024**

+ **W.P.(C) 12637/2024**

SAMAR AMUSEMENT AND EDUCATIONPetitioner

Through: Ms. Mandavi Pandey, Mr.
Girraj Singh Yadav, Mr. Vikas
Tripathi & Mr. Sanjeet Kumar
Mishra, Advs.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS

.....Respondents

Through: Mr. R.K. Dhawan, SC for DDA
with Ms. Nisha Dhawan, Mr.
V.K. Teng & Ms. Shivani
Taneja, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

CM APPL. 52476/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 12637/2024 & CM APPL. 52477/2024

3. The petitioner invokes writ jurisdiction of this Court under Article 226 of the Constitution of India, 1950 seeking the following directions/reliefs:

“(i) To pass an appropriate writ, order, direction directing and further direct the respondent no. 2 & 3 to decide the application of the petitioner dated 21.05.2024 and direct the respondents to grant sufficient time to the petitioner to make online booking of the respective DDA ground for the purpose of organizing Ram Leela



and further direct the respondent no. 1, 2 & 3 to give clarification regarding para 2 & 3 of the SOP dated 04.07.2024.

(ii) To pass an appropriate writ, order, direction to the respondent no. 1, 2 & 3 to remove the ambiguities from the SOP dated 04.07.2024 issued by the respondent no. 1 and to issue fresh SOP regarding the booking of open space for Ramleela.

(iii) To pass an appropriate writ, order, direction to the respondent no. 2 & 3 to call for the records in respect of the allotment of the DDA ground at sector 13 near Hotel Radisson Blu, Dwarka allotted by the respondent no. 2 and 3 in favor of the respondent no. 4 and further Direct the respondent no. 2 & 3 cancel the disputed allotment in favor of the respondent no.4.

(iv) To Award Cost in the favour of the Petitioner and against the Respondents.

(v) To pass any other order/s as deem fit and proper in the facts and circumstances of the case in the interest of justice.”

4. Learned counsel for the respondent No.1/DDA¹ is present on advance notice.

5. Learned counsel for respondent No.4/Bal Utsav Ramleela Samiti is also present on advance notice.

6. Having heard the learned counsels for the parties in some detail and on perusal of the documents placed on the record, it appears that the petitioner *vide* application dated 21.05.2024 applied for booking of DDA ground/open space at Section 13, Near Radisson Blue Hotel, Dwarka for organizing “Ram Leela and Dusshera Mahotsav with Joy Ride” w.e.f. 20.09.2024 to 20.10.2024 through its President Shri Rajesh Kumar through ‘offline mode’. Evidently, the said application remained pending for consideration for quite some time and on 05.08.2024 DDA wrote a letter to the petitioner whereby it sought certain clarifications thereby bringing to the notice of the petitioner that a letter had been received from the office of Delhi Dharmik

¹ Delhi Development Authority



Mahasangh, whereby it had been communicated that Bal Ramleela (Bal Utsav Ramleela Samiti, Dwarka) through its organizer, namely Ms. Preetima Khandelwala had been recommended for organizing Ram Leela and Dusshera Festival at the site in question in terms of the approved list for the year 2023 & 2024.

7. It was intimated that inspite of such recommendations, Mr. Rajesh Kumar Jhula vendor managed to get the booking done in the year 2023 in his name on the orders that come from the office of Lieutenant Governor, Delhi, nonetheless the Ram Leela was organized by Bal Utsav Ramleela Dwarka (respondent No.4); and that the antecedents of the applicant i.e. Mr. Rajesh Kumar Jhula Vendor were not found to be anywhere in any card, banner, poster etc of the event. Attention of the petitioner was also brought to the SOPs² issued by the department.

8. It appears that such notice was replied by the petitioner vide letter dated 07.08.2024, who reiterated that it was him i.e., Rajesh Kumar, who had applied for the booking and had paid the amount for the booking as well.

9. Learned counsel for the petitioner has vehemently urged that the application dated 21.05.2024 and its reply dated 07.08.2024 remained pending for consideration with the respondent No.1, and at the eleventh hour on 14.08.2024 they were told to apply 'Online' for the booking of the site. It is submitted that although attempts were made to book the site on 14.08.2024, there were certain technical glitches and they were not able to upload their application.



10. At this juncture, it would be pertinent to mention here that the SOPs dated 04.07.2024 have been framed pursuant to the directions of the learned Single Judge of this Court in the case of **Shree Hanumant Dharmik Ramleela Committee Regd. v. Delhi Development Authority**³. As per the SOPs published w.e.f. 04.07.2024 for booking of open spaces for Ram Leela, the notification besides providing the details of the Website, also laid down the following relevant conditions:

- “1. The booking shall be done online only for all open spaces as well as parks through DDA website www.dda.gov.in as per the procedure already defined in existing policy dated 05.12.2019.
2. Societies/Trusts which were allotted sites in the preceding year, will be given preference for booking the same site for the year 2024.
3. Booking shall start on the website w.e.f. 01.08.24. The open spaces and parks which were booked in the preceding year for the purpose of Ramleela will be blocked for booking from 1st August to 14th August 2024 for the same allottees (Societies/Trusts) as in the year 2023. These Societies/Trusts will have to get the respective sites booked by 14th August, 2024 along with successful payment status.
4. Those sites which are not booked by the allottees for whom the sites will be kept blocked from 1st to 14th August, 2024, shall be open for online booking from 15.08.24 on first-come-first-served basis.”

11. It is pertinent to mention that the petitioner by its own admission in paragraphs (15) and (16) of the writ petition acknowledges that it was aware that it was also supposed to apply online for booking of the site consequent to the publication of the SOPs w.e.f. 04.07.2024, which fact was clearly indicated even in the letter dated 05.08.2024 of the respondent/DDA. Evidently since the

² Standard Operating Protocol

³ W.P. (C) 12337/2023 dated 20.05.2024



petitioner failed to apply in time, eventually respondent No.4, who applied on 15.08.2024 was allotted the site on 'first come first basis'.

12. It is also significant to note that learned counsel for the respondent No.4 also urged that it is they who have been organizing 'Ram Leela and Dussehra Mahotsav' from the site for the last 16 years and only last year Mr. Rajesh Kumar had managed to apply since the President of the Society was indisposed of.

13. In fact, it was acknowledged during the course of hearing arguments that the petitioner was aware of the SOPs having been framed and published by the DDA. Further, respondent No.4 was in the approved list submitted by the Delhi Dharmik Mahasangh and it has been allotted the site based on 'first come first come basis'. It is manifest that issue of technical glitches in the online portal has been racked up just to manufacture a cause of action and same is belied from the fact that no grouse had been made by way of any notice, communication or reminder immediately after 14th August, 2024 with the respondent/DDA.

14. In view of the foregoing discussion, neither the petitioner has any legal right to seek cancellation of the booking of the site/ground in favour of the respondent No.4 nor the petitioner has a legal right to seek allotment or booking of the site in question in its favour. Accordingly, the present writ petition is dismissed.

15. The pending application also stands disposed of.

DHARMESH SHARMA, J.

SEPTEMBER 09, 2024

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