



\$~37

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

+ LPA 1008/2024 & C.M.Nos.58790-58792/2024

MAA KALKA SAHYOG SAMITI

.....Appellant

Through: Mr.Inder Singh Alag, Sr.Advocate
with Ms.Vandana Sinha,
Mr.Abhishek Gautam, Mr.B.S.Bagga
and Mr.Sahil Sharma, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI OFFICE OF THE
ASSISTANT COMMISSIONER & ORS.**

.....Respondents

Through: Mr.Anuj Chaturvedi, standing counsel
for R-1/MCD.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER
07.10.2024**

%

1. Present appeal has been challenging the order dated 01st October, 2024 passed in W.P.(C) 13400/2024 whereby the learned Single Judge quashed the letter dated 13th September, 2024 issued by respondent no.1/MCD granting permission to the appellant herein to book the “MCD Park opposite Govindpuri K-Block, Gali No. 1, Kalkaji” (“subject site”) for conducting Ram Leela from 03rd October, 2024 to 12th October, 2024.



2. Learned counsel for the appellant states that MCD vide its letter dated 13th September, 2024 issued provisional permission to the appellant to conduct Ram Leela at the subject site after obtaining certain No Objection Certificates (NOCs) from the relevant departments. He states that on 15th September, 2024, the appellant deposited requisite fees with the SDMC for the same.

3. He states that on 20th September, 2024, respondent no.3-Resident Welfare Association filed the subject petition challenging the provisional permission letter granted in favour of the appellant on the ground that MCD in another petition being W.P. (C) 12568/2023 (dealing with the same site) had made a submission that MCD had taken a policy decision to not use the subject site for social/religious functions and the same was recorded in order dated 22nd September, 2023.

4. He contends that the appellant should not be punished for any wrongful act of respondent no.1/MCD. He emphasizes that the appellant has been granted permission after following due procedure.

5. Having heard learned senior counsel for the appellant, this Court is of the view that as an assurance was given to the Court by the MCD in W.P. (C) 12568/2023 that the subject site will not be used for social/religious functions, the statutory authority will have to be held bound by its assurance.

6. In fact, the learned counsel for MCD had stated before the learned Single Judge that the permission granted to the appellant vide letter dated 13th September, 2024 is being withdrawn.

7. Consequently, the present appeal being bereft of merit is dismissed along with the applications. However, in the event the appellant approaches the MCD for an alternate site, in accordance with para 10 of the impugned



order, the MCD is directed to take a decision by tomorrow i.e. 08th October, 2024 in accordance with law and communicate the same to the appellant.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

**OCTOBER 7, 2024
KA**