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

+ **W.P.(C) 450/2025**

**DAV COLLEGE MANAGING COMMITTEE
& ANR.**

.....Petitioners

Through: Mr. Rakesh Mittal, Ms. Yamini Mittal
and Mr. Ajay Harshana, Advocates.

versus

**DELHI DEVELOPMENT AUTHORITY
& ORS.**

.....Respondents

Through: Mr. Shashi Pratap Singh, Ms. Kritika
Gupta and Ms. Muskaan Garg, Advocates for R-
1/DDA.

Mr. Puneet Yadav, Additional Standing Counsel
for MCD with Mr. Mohit Sharma, Section Officer,
Horticulture.

Mr. Sarvan Kumar, Senior Panel Counsel for R-3
with SI Satpal Singh, Shahdara Traffic Circle and
SI Joginder Singh, Parvi Officer Traffic.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
15.01.2025

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CM APPL. 2143/2025

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

W.P.(C) 450/2025 & CM APPL. 2142/2025

3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

*“a). direct the respondents to remove locks from both entries of MCD park
and open the Gates to enable the school children to access the school*



through park in the morning as well as in the afternoon in order to avoid walking of small children on Main Vikas Marg thereby avoiding the risk of injury and accident due to heavy traffic on Main Vikas Marg and at entry point of Respondent no.4 Society;

b) direct the respondent No. 2 MCD and respondent No.4 to remove encroachment in the form of small poles and chains illegally installed on road by respondent no. 4 outside the MCD park thereby permanently restricting the width of the only entry road of Respondent no.4 society to its half in the garb of beatification;

c). direct MCD to remove newly constructed 3' wall covering half the gates (existing since 2000 and being used for ingress and egress of school children from park) of the petitioner school, along the boundary wall of park by the respondent MCD at the instance of Respondent no.4 society to restrict access of park to school children through out the day;

d). direct respondent MCD to remove unauthorized constructions carried out by the residents of respondent no. _ society in the form of extending staircase/ making ramp on the road as well as encroaching the road by making enclosures and placing pots etc.

e). direct respondent MCD to inspect and book unauthorized constructions carried out by the residents of the respondent No. 4 society and remove the same;

f). direct respondent no.2 to remove the encroachment in the form of room illegally constructed by respondent no.4 at the single entry and exit gate of respondent no.4."

4. Issue notice.

5. Counsels, as above, accept notice on behalf of the respective Respondents.

6. Learned counsel appearing for DDA submits that the issues raised in the present petition pertain to jurisdiction of the MCD. Learned ASC for MCD submits that there are gates installed in the park in question for ingress and egress of people, however, some of the gates have been closed after assessment of the heavy traffic on the main road as also for safety reasons and this regulation is important in light of the primary school run by the Petitioners in the vicinity of the park.



7. There can be no dispute that regulating the opening and closing of gates in the park, is the function of the concerned authority, keeping in mind the traffic congestion, safety measures etc. Be that as it may, without entering into the merits of the case, this writ petition is disposed of with a direction to MCD to treat this writ petition as a representation and look into the grievances of the Petitioners. Before taking a decision, the Competent Authority will call the authorised representative of the Petitioners for a personal hearing for which time, date and venue will be intimated. A considered decision will be taken by the MCD in accordance with law and looking at all relevant factors. It will be examined, if access can be granted to the children studying in Petitioners' School through the park in the morning as well as in the afternoon to avoid their walking on the main Vikas Marg, where there is heavy and fast moving traffic. In case of any further grievance, Petitioners will be at liberty to take recourse to appropriate legal remedies.

8. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 15, 2025/shivam