

NITI NYAYA LAW OFFICES

S-46

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 13472/2022 & CM APPL.40964/2022 (stay)

SHREE KESHAV DHARMIK RAMLILA COMMITTEE
(REGD) THROUGH ITS PRESIDENT Petitioner

Through: Mr. Gagan Gandhi with Ms. Ratakshi
Sarvaria, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY (DDA) Respondent

Through: Ms. Manika Tripathy, Standing
Counsel, DDA.

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Date of Decision: 20th September, 2022.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

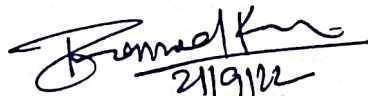
1. Present writ petition has been filed with the following prayers:-

"A. Issue a writ of mandamus directing the Respondent to grant permission to the petitioner society to hold Ramleela & Dussehra celebrations from 21/09/2022 till 10/10/2022 at Maharishi Dayanand Park (Nepal Wala Bagh) Near Kanhaiya Nagar Metro Station, Tri Nagar, Delhi-110035;

B. Allow the petitioner to hold Ramleela & Dussehra celebrations at Maharishi Dayanand Park (Nepal Wala Bagh) Near Kanhaiya Nagar Metro Station, Tri Nagar, Delhi-110035 from 21/09/2022 till 10/10/2022."

2. Learned counsel for the petitioner submits that the petitioner Society is duly registered under the Societies Registration Act, 1860 since the year 1993. It has further been submitted that the petitioner Society is holding

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Ramleela and Dusshera celebrations in the same park since 1999. It has further been submitted that earlier DDA had been granting permission to hold Ramleela and Dusshera celebrations at the same venue.

3. Learned counsel for the petitioner submits that even the Supreme Court in its order in Civil Appeal No.15182/2021 titled *North Delhi Municipal Corporation vs. President Budhela Welfare Association & Anr.* has *inter alia* clarified that the directions of the Supreme Court in *M.C. Mehta vs. Union of India: (2009) 17 SCC 683*, with regard to the use of parks shall strictly be adhered to and in no circumstances, shall use of parks for the purposes as mentioned in the said judgment be permitted for more than 10 days in a month.

4. Issue notice. Ms. Manika Tripathy, learned Standing Counsel for DDA accepts notice.

5. Learned standing counsel for DDA has submitted that public parks in Delhi cannot be allowed to use for marriage/commercial purposes. Learned standing counsel for DDA has placed reliance upon the judgment in *M.C. Mehta vs. Union of India: (2009) 17 SCC 683*. Learned Standing counsel for DDA submits that the parks cannot be used for the purpose of holding Ramleela.

6. Learned counsel for the petitioner has invited the attention of this Court to the list submitted by Delhi Dharmik Mahasangh (Annexure – 23) where the name of the petitioner Committee appears at item No.35. Further attention has been invited of this Court to the Office Order issued by DDA

dated 22.08.2022. The Officer Order dated 22.08.2022 is reproduced as below:-

"DELHI DEVELOPMENT AUTHORITY
INSTITUTIONAL LAND BRANCH
A-216, Vikas Sadan INA, New Delhi - 110023

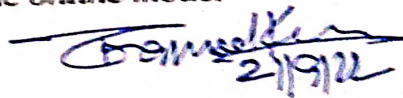
E-3061

F.8(18) 15/IL/S51
Date: 22/08/2022

Office Order

In compliance to the decision taken in the meeting held under the Chairmanship of Hon'ble Lt. Governor on 05.08.2022, it has been decided that in respect of Ramlila Committees affiliated to Delhi Dharmik Mahasangh (Federation of Religious Committees) Security deposit of Rs.15/ Sqm. would be levied irrespective of the size of plot for organizing religious functions, including Ramlila. The list as provided by Delhi Dharmik Mahasangh, Ramlila Committees along with details of Place, Ground etc. is as per Annexure. This (reduced) security deposit rate shall be applicable only in respect of the specific grounds, Committees and Functions as per the Annexure. For booking of other grounds or by other organizations or for other functions, security deposit as per standard policy will be applicable.

Further, it has also been decided that based on the list provided by Delhi Dharmik Mahasangh (Federation of religious committees), these specific sites would be reserved for the period from 6th September, 2022 to 15th October, 2022 for these Committees only, so that the specific sites are not booked for any other social and cultural function by any other Organizing committee through the online mode.


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All concerned are requested to take immediate action accordingly for the smooth implementation of the above-mentioned directions. Other terms & conditions will remain the same as per the existing policy.

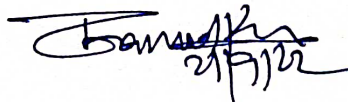
This issues with the approval of Competent Authority.

Encl:- List and other details as provided by Delhi Dharmik Mahasangh.

*(Kamal Gupta)
Director (IL)"*

7. Perusal of the order dated 22.08.2022 would indicate that the DDA itself in compliance of the decision taken in the meeting held under the Chairmanship of Hon'ble Lt. Governor reserved the specific sites, as mentioned in Annexure – 14, for the period from 06.09.2022 to 15.10.2022 for these Committees only, so that the specific sites are not booked for any other social and cultural function by any other Organizing committee through the online mode. Order dated 22.08.22 further reads that all concerned were requested to take immediate action accordingly for the smooth implementation of the above-mentioned directions. It was also directed that the other terms and conditions will remain the same as per the existing policy.

8. Learned counsel for the petitioner has further submitted that in fact they had applied for the permission on 25.08.2022 but DDA did not respond to their request. Learned counsel has further submitted that permission may be granted only for the period 24.09.2022 to 05.10.2022.



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9. I consider that in view of the Office Order of the DDA dated 22.08.2022, No.F.8(18)15/IL/851, the site, as specified in the list submitted by Delhi Dharmik Mahasangh (Federation of the Religious Committee), the petitioner Society is permitted to hold Ramleela and Dusshera celebrations from 24.09.2022 till 05.10.2022 at Maharishi Dayanand Park (Nepal Wala Bagh) Near Kanhaiya Nagar Metro Station, Tri Nagar, Delhi-110035, subject to all conditions/regulations being complied with. The petitioner Society shall also follow scrupulously all the safety norms and other norms as prescribed by the NGT, Delhi Police, Delhi Fire Service, MCD and other connected organisations.

10. With these observations, the present petition along with pending application is disposed of.

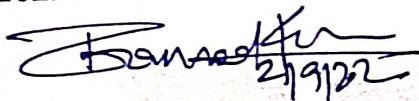
11. Order *Dasti* under the signatures of the Court Master.

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DINESH KUMAR SHARMA, J

SEPTEMBER 20, 2022

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Court Master
High Court of Delhi
New Delhi