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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6114/2025, CM APPL. 27889/2025 & CM APPL. 27890/2025

**SAHIL VIKLANG SAHAYTARTHA
SAMITI**

.....Petitioner

Through: Mr. Kirtiman Singh, Sr. Adv. with
Mr. Mansimran Singh, Ms. Vishakha
Ahuja and Mr. Neeraj Singh, Advs.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Manika Tripathy, Standing
Counsel with Mr. Tushar Sannu and
Mr. Aman Kumar, Advs. for DDA.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

27.05.2025

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1. The present petition has been filed seeking following relief:

“(i) Issue a writ of certiorari or mandamus or any other appropriate writ, direction or order setting aside/quashing letter bearing no. CE (Dwk)26(28)/2025/DDA/152 dated 20.03.2025 issued by the Respondent/DOA;

(ii) Issue a writ of Mandamus or any other appropriate writ, direction or order for directing the Respondent/ODA to confirm the booking of the District Park, at B-Block, Janakpuri for religious Janamashtami Mahotsav in favour of the Petitioner from 10.07.2025 to 24.08.2025 in terms of letter dated 17.03.2025 issued by the Petitioners.”



2. The present petition has been filed by the petitioners assailing the impugned order dated 02.04.2025 whereby the respondent DDA has refused to book the DDA Ground, Janakpuri District Park, B Block, (Dushehra Ground), Janakpuri, New Delhi-110058 for organizing and celebrating Janamashtami Mahotsav, on the ground that DDA has been restrained from permitting activities such as social, cultural, commercial marriage or other functions etc. in the said ground as per this Court's order dated 03.08.2018 in W.P.(C) 7266/2017.

3. The attention of the Court has been drawn to the order dated 03.08.2018 passed in W.P.(C) 7266/2017, the relevant para of which reads thus:

*“In the meantime, in pursuance of the decisions of the Hon’ble Supreme Court in W.P.(C) 4677/1985, tilted as “M.C. Mehta Vs. Union of India” reported as 1997(6) SCALE13 and the Division Bench of this Court in W.P. (C) 501/2006, titled as “Patanjali Shiksha Sansthan Delhi (Regd.) Vs. Lt. Governor and Ors.”; and in terms of my considered prima facie view, that recreational and aesthetic uses of district parks ought not to be curtailed, by permitting them to be used for social, cultural, commercial or other functions etc., for the reason that the same has the effect of degrading the environment and undermining the utility of such parks as a source of recreation for the general public; **the DDA is restrained from permitting activities such as social, cultural, commercial, marriage or other functions etc. in the subject district park, till further orders.**”*

(emphasis supplied)

4. Mr. Kirtiman Singh submits that the said order passed was subsequently modified by this Court *vide* order dated 02.09.2022. Reference is made to the following paragraphs of said order, which reads thus:



“2. Learned counsel for the applicants points out that after the orders dated 03.08.2018, 11.07.2019 and 23.08.2019 were passed by this court, there has been a subsequent development, inasmuch as, vide minutes of meeting held on 17.09.2019 under the Chairmanship of the erstwhile Lieutenant Governor of Delhi, it has been resolved vide Agenda Item No.88/2019 that the proposal for change of Use Zone/Premise of the concerned ground/area admeasuring 2.62 Ha. (6.47 acre approx.) from ‘Recreational (P2 District Park)’ to ‘Recreational (Multi-purpose Ground)’ at Block-B, Janakpuri stands approved.

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5. The Dusshera/Ramleela celebrations/events are stated to have been held in 2019 pursuant to the aforesaid order. However, the ground/area could not be used for the said purpose in the year 2020 and 2021 due to Covid-19 related restrictions.

6. Ms. Manika Tripathy, learned Standing Counsel appearing for the DDA also affirms the above position and informs that necessary permission has been granted to respondent nos.4 and 5 to host/celebrate Dusshera/Ramleela for the current year. She further states, on instructions, that there is no objection on the part of DDA to modify the orders dated 03.08.2018, 11.07.2018 and 23.08.2019 in line with the Division Bench order dated 01.10.2019, and given that the land in question is now a “multi purpose ground” which can be used for “Public Meeting ground, Public address podium, Social Functions, Soft drinks and snack stalls etc”

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8. Having considered the rival contention of the parties, this court is of the view that in view of the change in land use of the concerned land to ‘Recreational (multi purpose ground)’, and in line with the orders passed by the Division Bench, the respondent nos.4 and 5 ought to be



allowed to host and celebrate Dusshera/Ramleela for this year, as per the permission granted by the Respondent No.2/DDA.

9. The contentions of the petitioner with regard to the manner in which change of land use has been allowed will be considered at the time of final hearing of the petition. However, since admittedly there is no change in the circumstances since the Division Bench passed the aforesaid order dated 01.10.2019 there is no reason to disallow the prayer of the applicants to host Dusshera/Ramleela celebrations on the said land in the current year, as per permission granted by the DDA. As such, prayer (b) in the instant application stands allowed and the orders dated 03.08.2018, 11.07.2019, 23.08.2019 and 24.09.2019 stand modified accordingly.”

(emphasis supplied)

5. A perusal of the above quoted paragraphs from order dated 02.09.2022 shows that this Court had recorded the submission of the learned Standing Counsel appearing on behalf of the DDA to the effect that the proposal for change of Use Zone/Premise of the concerned ground/area admeasuring 2.62 Ha. (6.47 acre approx.) from ‘Recreational (P2 District Park)’ to ‘Recreational (Multi-purpose Ground)’ at Block-B, Janakpuri stands approved in the minutes of meeting held on 17.09.2019 under the Chairmanship of the erstwhile Lieutenant Governor of Delhi, *vide* Agenda Item No. 88/2019.

6. Clearly, this Court *vide* order dated 02.09.2022, taking note of submission of the learned standing counsel for DDA, had modified the order dated 03.08.2018 and accordingly the respondent no.4 and 5 therein was permitted by this Court *vide* order dated 18.07.2024 in W.P. (C) 9537/2024 to use the land in question for Dusshera/Ramleela.



7. Ms. Manika Tripathy, the learned standing counsel for DDA does not dispute the aforesaid position. She rather, submits that even the DDA has also moved an application seeking vacation of restraint order dated 03.08.2018 in W.P.C) 7266/2017. However, a perusal of the order dated 02.09.2022 indicates that the order dated 03.08.2018 has already been modified to an extent.

8. In view of the above position, the present petition is allowed and the respondent DDA is directed to consider petitioner's booking request for the District Park/DDA Ground, at B-Block, Janakpuri, New Delhi (also known as Dusshera Ground) for organizing and celebrating 'Janamashtami Mahotsav', in accordance with rules.

9. The petition alongwith pending applications stands disposed of in the above terms.

VIKAS MAHAJAN, J

MAY 27, 2025

N.S. ASWAL