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

% **Date of decision: 9<sup>th</sup> September, 2024**

+ W.P.(C) 12585/2024 & CM APPL. 52366/2024

PURVI DELHI VAIDEHI TRUST (PDVT) .....Petitioner

Through: Sh. J.K. Chawla, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY .....Respondent

Through: Ms. Manika Tripathi, Standing  
Counsel, DDA with Mr. Rony  
John, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**DHARMESH SHARMA, J. (ORAL)**

**CM APPL. 52367/2024 – EXMP.**

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

**W.P.(C) 12585/2024 & CM APPL. 52366/2024**

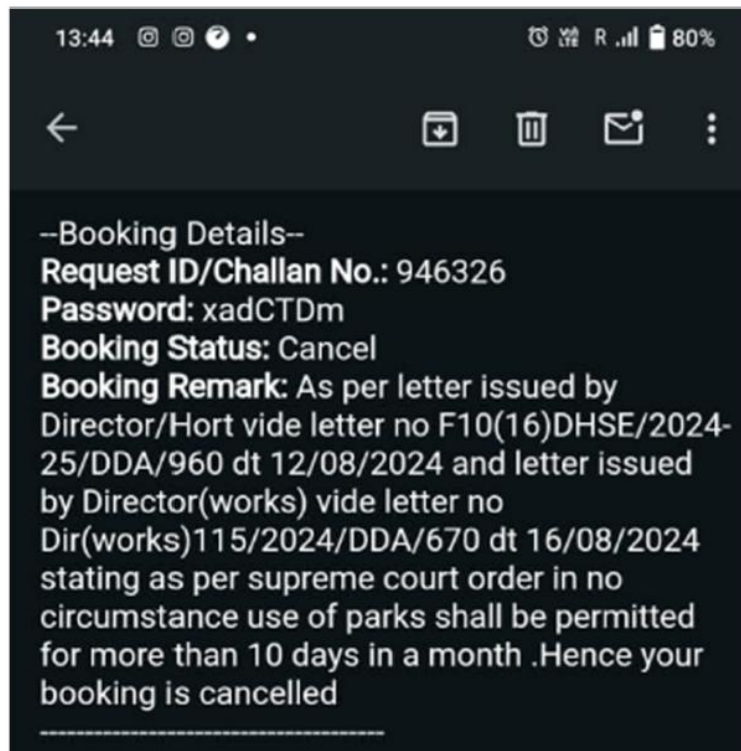
3. The petitioner is invoking extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India, 1950, for directions to the respondent to withdraw its so called arbitrary and wrongful action of cancellation of booking of plot No. EZ-88-B, Utsav Ground, I.P. Extension, Delhi (*hereinafter referred as 'site in question'*) from holding 'religious functions', and thus, the consequent revival of the booking by the petitioner for the period from



29.08.2024 to 18.09.2024 for Janmashtami, Dussehra, Durga Pooja and Navratra etc.

4. Learned counsel for the respondent/DDA<sup>1</sup> is present on advance notice.

5. Learned counsel for the petitioner has urged that they applied Online for booking of the site in question on 25.08.2024 and had made payment of the requisite amount to the tune of ₹ 2,32,450/- towards booking but all of a sudden they received a notice through WhatsApp to the following effect:



6. Ms. Tripathi, learned Standing Counsel for the respondent/DDA has urged that the present petition is without any cause of action and misconceived inasmuch as merely because the application of the

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<sup>1</sup> Delhi Development Authority



petitioner and payment of the booking amount would not *ipso facto* lead to the allotment of the site in question for holding such functions. In this regard, she invited reference to the decision by the Supreme Court in the case of **North Delhi Municipal Corporation v. President Budhela Welfare Association & Anr.**<sup>2</sup> whereby it was held as under:-

“Issue notice to the respondents.

Mr. Tushar Mehta, learned Solicitor General of India appearing on behalf of the appellants submits that the judgment and order under appeal has been passed without notice to the appellants North Delhi Municipal Corporation (CA D. No. 15182 of 2021) and the South Delhi Municipal Corporation (CA D. No. 15754 of 2021). Accordingly, there will be stay of operation of the judgment and order under appeal. It is made clear that the directions of the Court in *M.C. Mehta vs. Union of India* reported in (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.**”  
{bold portions emphasized}

7. *Ex facie*, there is merit in the submissions advanced by the learned counsel for the respondent/DDA that when it comes to organizing functions at public parks, there is no legal right vested with anyone to hold any social or public functions at such site except as per the aforesaid decision for not more than 10 days and also having regard to the other objective parameters such as the nature and extent of park, its ornamental value, impact on the environment in the nature of damage to the tree and/or plantation, hazards to the birds, and noise pollution, parking issues etc.

8. In the said background of such fundamental requirement, what is baffling is that the petitioner does not know for what purpose the

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<sup>2</sup> Civil Appeal Diary No (s). 15182/2021 dated 02.08.2021



site in question is required. If the site in question is required for ‘Ram Leela and Dussehra festivals’, well that will be next month commencing from 1<sup>st</sup> or 2<sup>nd</sup> October, 2024 till 12<sup>th</sup> October, 2024. It was urged that it was required for celebrating Krishna Janmashtami, which incidentally was on 26<sup>th</sup> August, 2024. Faced with the above scenario, learned counsel for the petitioner added another twist to its cause that the site in question was sought to be booked for holding ‘*Ganesh Chaturthi*’. If that is so, ‘*Ganesh Chaturthi*’ was last Saturday i.e. 07.09.2024. What stares on the face of the record is that not only in the title of the writ but also in the entire narrative in the writ petition, there is no clear indication as to for what purpose or to celebrate what function, the site in question is required.

9. Again, faced with the above, it was also urged by the learned counsel for the petitioner that they were unable to specify the exact reason for holding religious functions since the Website of the DDA does not have necessary “Templates”. Learned counsel for the DDA has pointed out that the Website shows necessary “templates” such as *Navratras, janmashthmi, durga pooja, ram leela, dussehra* and also that it provides relevant details for which application can be made as under:-

**“(A) SOCIO-RELIGIOUS/SPIRITUAL FUNCTIONS**

Functions of all faiths, socio-religious or spiritual events like Katha, Satsang, etc. where no ticket/entry, etc. is charged.

**(B) SOCIAL WELFARE-**

Yoga/meditation, Blood Donation Camp, free health check-up camp and other voluntary services organized by registered organizations/ NGOs/RWAs/Charitable Trusts where no fee is charged.



(C) **RELIGIOUS RECREATIONAL –**

Functions relating to Ramleela, Janamasthami, Dussehra, Durga Pooja and Navratras where Joyrides etc. would be permitted up to 25% of total booked area or 5000 sqm., whichever is less.

10. Infact, the DDA Website provides for booking of the sites for *Satsang, celebration of Eid, akhand paath, guru purav, chhath pooja* and so many other social functions. The bottom line is that the petitioner applied for booking of the site in question under the wrong category without even knowing for what purpose it wanted to book the site. There is no vested legal right to allotment of a public site or park by merely applying ‘online’ followed by payment of the booking amount. There is no unreasonable delay on the part of the respondent/DDA in arriving at the impugned decision to cancel the booking. Lastly, its plea that there was something wrong with the DDA Website or that there were technical glitches, is wrong and by way of an afterthought to espouse a lost cause.

11. In view of the foregoing discussion, the present writ petition deserves to be dismissed. The same is, therefore, dismissed. The pending application also stands disposed of.

**DHARMESH SHARMA, J.**

**SEPTEMBER 09, 2024**

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