

Shri Balaji Ram Leela Committee vs Delhi Development Authority on 12 September, 2023

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 11977/2023 & CM APPL. 46974/2023
SHRI BALAJI RAM LEELA COMMITTEE ...
Through: Mr. Sanjeev Sindhwani,
Mr. Gaurav Seth, Mr.
Ms. Akansha Mehra & M
Sikka, Advocates.
versus

DELHI DEVELOPMENT AUTHORITY
Through: Ms. Manika Tripathi
with Ms. Aastha A
CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU
ORDER

% 12.09.2023 [Physical Hearing/Hybrid Hearing (as per request)] CM APPL. 46974/2023
[Exemption]

1. Allowed, subject to the Petitioner filing legible copies of the annexures within three days.

CM APPL. 46973/2023 [Application filed by Petitioner seeking Exemption from filing office order dated 07.09.2023]

2. Issue Notice.

3. Learned Counsel for the Respondent/DDA, who appears on advance Notice, shall place on record the Office Order dated 07.09.2023 issued by Dy Dir/IL vide Letter No. F8(18)15/IL/961 within a week.

4. List on 21.09.2023.

W.P.(C) 11977/2023 & CM APPL. 46972/2023 [Application filed by Petitioners seeking interim relief] This is a digitally signed order.

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5. The present Petition impugns the e-mail communication dated 08.09.2023 [hereinafter referred to as the "Impugned Communication"], which has directed cancellation of booking, of two open space bearing nos. EZ-4 and EZ-5, both admeasuring 2500 sq. mtrs. and which forms part of Plot No. 36 CBD Shahdara, Delhi-110032 [hereinafter referred to as "open spaces"], which was booked

by the Petitioner for holding of Ram Leela function.

6. The Impugned Communication was received by the Petitioner via email on 08.09.2023.

7. Learned Senior Counsel for the Petitioner submits that the Petitioner has been booking Premises similarly for the last four years with the Respondent/DDA.

7.1 Learned Senior Counsel for the Petitioner further states that a booking of the two open spaces was made by the Petitioner on 14.06.2023 for the period from 01.10.2023 to 28.10.2023, and the payment for the bookings was made by the Petitioner on the same date. Thereafter on 19.06.2023, these bookings were acknowledged by the Respondent/DDA and were stated to be confirmed. Reliance is placed on the documents annexed at Annexure P-3(Colly) evidencing this confirmation.

7.2 Reliance is placed on the Policy for Streamlining of the Procedure and Fee Structure for temporary Allotment of Open Spaces/Community Halls of the DDA for various functions [hereinafter referred to as "Policy"], annexed as Annexure P5 of the case file, which sets forth the procedure and terms of the booking.

7.3 Learned Counsel for the Petitioner submits that all necessary steps in This is a digitally signed order.

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8. Learned Senior Counsel for the Petitioner, however, contends that suddenly, a few days before the functions were to take place, the Petitioner has received the Impugned Communication, cancelling this booking. The reasons as set forth in the email dated 08.09.2023 are as follows:

"Booking Remark: The booking is cancelled in view of the office order issued by Dy Dir/IL vide its letter no. F8(18)15/IL/961 dated 07.09.2023. In Deputy Director IL office order it has been mentioned that Booking of ground for Ramlila purposes by various religious committees will be done by DDA as per list provided by 'Delhi Dharmik Mahasangh' (Federation of such Religious Committees). The plot No. 36 EZ-4 CBD Shahdara since not listed in the name of Shri Balaji Ramlila Committee in the Delhi Dharmik Mahasangh letter No. DDM/2023/2 dated 02.08.2023, hence permission given earlier may be treated as cancelled. The permission is now stand cancelled with immediate effect."

9. Learned Senior Counsel for the Petitioner contends that the Impugned Communication is not only arbitrary but also not in accordance with the Policy and the terms and conditions of the booking of the Respondent/DDA. He further submits that the Impugned Communication has been given without any advance Notice and also several months after a confirmation has been given to the Petitioner by Respondent/DDA. 9.1 It is further contended that grave prejudice shall be caused to

the Petitioner if this cancellation is not stayed, as once cancelled, these open spaces may be allotted to third parties, making this Petition infructuous.

10. Issue Notice.

10.1 Learned Standing Counsel for Respondent/DDA accepts Notice and seeks some time to obtain instructions in the matter.

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11. Let a Counter-Affidavit/Short Affidavit be filed by the Respondent/DDA within a period of one week.

11.1 Rejoinder thereto, if any, be filed before the next date of hearing.

12. List the matter on 21.09.2023.

13. In the meantime, the cancellation as communicated to the Petitioners via email dated 08.09.2023 [annexed at pages 25 and 26 of the Petitioner respectively], shall remain stayed until the next date of hearing.

14. Parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J SEPTEMBER 12, 2023/ ha Click here to check corrigendum, if any This is a digitally signed order.

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