

Social functions can't curtail parks' use : Delhi HC Justice Siddharth Mridul



Justice Siddharth Mridul

BA His Hons Hindu 1983

LLB CLC 1986

NEW DELHI : Delhi High Court on Friday 03.08.2018 ruled that public parks are meant for recreational and other purposes and their *use can't be curtailed in any manner*. The Court said citizens can't be robbed of their right to use parks, while staying a decision of Delhi Development Authority DDA which had allowed the local Ramlila committee to hold functions in the district park at Janakpuri.

"Recreational and other uses of parks can't be curtailed by way of allowing use for cultural, social or commercial functions. The same has the *effect of degrading the environment* and undermining the utility of parks as a source of recreation for the general public," Justice Siddharth Mridul noted.

Justice Mridul was hearing a plea by a Janakpuri resident alleging that civic agencies including DDA, South Delhi Municipal Corporation and PWD have failed in their statutory obligations to ensure proper use of the sprawling district park at Janakpuri and are letting it out for commercial activities.

Appearing for petitioner Rishu Kant Sharma, **advocate Kanwal Chaudhary** argued that allowing any function in a public park violates not just Delhi Master Plan, but also runs contrary to the directions of Supreme Court in the celebrated MC Mehta case.

Justice Mridul restrained the DDA from permitting any such functions, be it marriage or social or religious activity. Earlier the Ramlila committee, Janakpuri and Confederation of Janakpuri Associations had sought to be heard as a party in Sharma's plea saying no directions should be passed without hearing their stand on the issue.

The High Court has taken a dim view of attempts by authorities to tinker with the existing parks in the city. In May 2018 in another petition the Court had stayed SDMC from converting a park in Defence Colony on a plea by a resident that several parks in the area were being converted into ornamental parks or parking lots.

The Court had sought to know from authorities, including Delhi government and DDA, about the *status of available parks in the city* indicating there isn't sufficient green area for citizens. *Underlining children's right to play in public parks*, the Court pulled up authorities for trying to convert parks into parking lots, saying "where will children go and play..."