

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 642/2023
(I.A. No. 781/2023)

Residents Welfare Association,
F-Block (West), Vikas Puri

Applicant

Versus

Horticulture Department of Municipal
Corporation, Delhi & Anr.

Respondent(s)

Date of hearing: 18.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Abhishek Shivpuri, Advocate

ORDER

1. In this original application, the Residents Welfare Association of F-Block of Vikas Puri has made the complaint that the permission for various functions at Smt. Bharpai Devi Jindal Vatika, also known as Dussehra Ground, located in the vicinity of F-Block, Vikas Puri, New Delhi is being granted by the authorities in violation of environmental laws and the orders passed by the Hon'ble Supreme Court and NGT.
2. As per the allegation, the respondent authorities are permitting various functions including marriage functions in the park wherein the function organizers/tent owners takeover the entire park thereby restricting the right of the residents to use the park. After the function, no cleaning of the park is done.
3. It is also alleged that no measures have been taken to follow the guidelines in respect of solid waste management, water pollution, air pollution, etc. and that the function so organized in the park create noise pollution disturbing the life of the nearby residents. It is disclosed in the

application that even the Superintendent of the MCD park has filed a complaint with the Vikas Puri Police Station alleging that the park does not get vacated from the grip of the function organizers and no action is taken.

4. The submission of Counsel for the applicant is that in terms of judgment of the Hon'ble Supreme Court in the case of *M.C. Mehta vs. Union of India & Ors.* reported in (2009) 17 SCC 683, the use of parks by MCD, NDMC and DDA for the purpose specified in the said judgment should not be permitted more than 10 days in a month and no function thereafter should be permitted during the remaining 20/21 days. In this regard, he has also placed reliance upon the interlocutory order of the Hon'ble Supreme Court dated 02.08.2021 passed in Civil Appeal Diary No(s) 15182 of 2021, *North Delhi Municipal Corporation vs. President Budhela Welfare Association & Anr.* The submission of Counsel for the applicant is that though repeated complaints were made to different authorities but till now, no action has been taken.

5. The allegation made in the OA clearly reveals that a substantial issue relating to environment is involved and authorities are required to take appropriate action in accordance with the judgment of the Hon'ble Supreme Court as well as the existing rules and regulations of the MCD.

6. Hence, we direct the Director, Horticulture Department of MCD (West Zone) i.e. Respondent No. 1 to carry out the spot inspection of the park in question, ascertain the correct position in respect of allotment of the park and its use for different functions on the basis of the record as also the other material collected during the spot inspection and take appropriate remedial measures to ensure due compliance of the judgment of the Hon'ble Supreme Court and the applicable rules and regulations of

the MCD. Let this exercise be completed within a period of three months from today.

7. Respondent No. 1 will submit the action taken report before the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the matter will be listed before the Bench for consideration.

8. OA is accordingly disposed of.

9. A copy of this order be forwarded to the Director, Horticulture Department of MCD (West Zone) by e-mail for compliance.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 18, 2023
Original Application No. 642/2023
(I.A. No. 781/2023)
DV