

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

(By Video Conferencing)

Original Application No. 139/2021

A. K. Malik

Applicant

Versus

Delhi Development Authority

Respondent

Date of hearing: 01.07.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Grievance in this application is against allotment of open park by DDA to Agrani Matri Mandir in District Park, Sector 14, Rohini. This has affected the right of the residents to open space and also created a source of noise pollution. Loudspeakers and DJs are played at full volume even after 10:00 p.m. Commercial activities are also carried out in the form of holding functions.

2. It is well settled that a public park cannot be used in the manner alleged in the application. The Tribunal dealt with this issue earlier inter-alia vide order dated 04.02.2021 in O.A. 515/2019, *President, Budhela Welfare Association v. Govt. of NCT of Delhi*. It was observed:

“6. Let the DPCC take further action in accordance with law in the light of grievances of the applicant by maintaining vigil and preventing violation of environmental norms, following due process of law. In view of the order of the Delhi High Court prohibiting use of parks for social, cultural, commercial, marriage or other functions and the directions of DPCC dated 13.12.2019 under the Water, Air and EP Acts that no park can be used for social, cultural, commercial, marriage or other functions

and the Executive Engineer (Horticulture) of DDA and the MCD will be accountable for the violations, further direction of installing ETP is contradictory as such question does not arise if no such social, cultural, commercial or marriage function is to be held in the parks. This needs to be strictly enforced by the Horticulture Department of DDA and MCD. The DPCC may also modify its directions accordingly and strictly enforce the prohibitions as per orders of Delhi High Court. Similarly, plea of DPCC to depend on amendment by DDA is an attempt to avoid responsibility as even without such amendment powers under the EP Act and the Water Act override any other statute which cannot stand in the way of enforcement of environmental norms particularly in view of orders of Delhi High Court, prohibiting use of parks for such functions.”

3. Accordingly, we direct the Joint Committee of District Magistrate, North Delhi, DDA, DPCC and North Delhi Municipal Corporation to furnish a factual and action taken report in the matter 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. The DPCC will be the nodal agency for coordination and compliance.

List for further consideration on 08.11.2021.

A copy of this order be forwarded to District Magistrate, North Delhi, DDA, DPCC and North Delhi Municipal Corporation by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 1, 2021
Original Application No. 139/2021
SN