

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) No.2987/2007

% Date of Decision: November 30, 2007

Mr.Umesh Chandra Sood Petitioner
! Through: Mr.Vivek Sood, Advocate with
Mr.Arun Goel, Advocate.

versus

\$ Municipal Corporation of Delhi. Respondent
^ Through: Mr.Suresh Kait, Advocate.

CORAM:

* **HON'BLE MR.JUSTICE T.S.THAKUR**
* **HON'BLE MS. JUSTICE VEENA BIRBAL**

1. Whether Reporters of local papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether the judgment should be reported in the Digest? No

VEENA BIRBAL, J.

Present is a public interest litigation filed by the petitioner wherein it is alleged that petitioner is a sportsman and has played various games for Delhi, the details of which are given in the petition. The grievance of the petitioner is that the Ambedkar Stadium which is the only football playing field left in Delhi has been used for political purposes, such as holding political rallies etc. having no connection with football game. It is alleged that Ambedkar Stadium hosts over 700 football matches every year and is already under immense pressure due

to lack of football infrastructure in Delhi. It is alleged that holding of political rallies and public functions at Ambedkar Stadium damages its grass and ground and the said damage takes months to repair. It is further alleged that when political rallies are held at nearby places such as at the Ramlila Grounds etc., Ambedkar Stadium becomes a place for people to squat, sleep, cook, eat, litter and also to answer the call of nature and the same also damages the place. It is further alleged that recently respondent No.2 i.e. Union of India had written a letter dated 3.4.2007 to respondent No.1 i.e. MCD stating that the Ambedkar Stadium is required for Nirmal Gram Puraskar function on 4.5.2007. It is alleged that the said function is likely to attract thousands of people which would result in the damage of ground. It is alleged that the Ambedkar Stadium cannot be used for holding any public function unconnected with the game of football. It is contended that use of Ambedkar Stadium for any other purpose i.e. for political rallies and public functions, is violative of Article-14 and 21 of the Constitution of India. It is prayed that a writ of mandamus or any other appropriate writ be issued to the respondent to ensure that the stadium is exclusively used for football purpose and for no other purpose. It is further prayed that writ of certiorari be issued quashing the

decision to host Nirmal Gram Puraskar function on 4.5.2007.

2. Counter affidavit is filed on behalf of the respondent No.1 i.e. MCD wherein it is alleged that present petition is not filed in the public interest. It is alleged that the same is in personal interest as such is liable to be dismissed. It is alleged that Ambedkar Stadium is being used only for the purpose of football game and not for any other purpose as is alleged. It is alleged that only one instance has been mentioned by the petitioner by filing letter dated 3.4.2007 wherein Under Secretary to Government of India had requested for the use of stadium for "Nirmal Gram Puraskar function" on 4.5.2007 and permission was granted on the said request. It is denied that the stadium was given to any political party or any individual as is alleged. It is specifically denied in the counter affidavit that when political rallies are held at nearby places i.e. Ramlila ground, the Stadium becomes a place for people to squat, sleep, cook, eat, litter and also answer the calls of nature and damages the place as is alleged in the petition. It is reiterated in the counter affidavit that the Ambedkar Stadium is being used only for football game and for no other activities. It is denied that grounds of aforesaid stadium are being damaged as is alleged. It is prayed that the writ petition may kindly be dismissed.

3. We have heard counsel for the petitioner only as none had appeared for respondents. During arguments counsel for petitioner reiterated the grievances as are stated above. We have also perused the record.

4. No statutory violation is alleged to have been violated by the respondents. The allegations of holding political rallies and public functions in the said stadium have not been substantiated by petitioner by placing any material on record. Even photographs are not placed on record to show that any political rallies or public functions are being held in the stadium or that any actual damage has been done to the grounds of stadium by holding such functions as is alleged. Even necessary details like, who had held those functions and the dates on which such functions were held are also not given in the petition. On the other hand, respondent No.1 in the counter affidavit has categorically denied that any such political rallies or public functions are being held in the Ambedkar Stadium. It is categorically stated in the counter affidavit that Ambedkar Stadium is being used only for holding football matches.

5. As regards holding of Nirmal Gram Puraskar function is concerned, it may be seen that the said function was presided over by His Excellency, the President of India and before

holding said function 'No Objection Certificate' from concerned authorities is taken as is evident from letter dated 03.04.2007 filed by petitioner. The petitioner has failed to show how a particular event has violated fundamental rights as is alleged. In any event, the said function is already over.

6. In view of the above discussion, the allegations regarding alleged damage to stadium are totally devoid of any merits. In the absence of any material on record, it is difficult for this Court to conclude that there is any damage to the grounds of the above said stadium. No doubt, Amedkar Stadium is a premier ground for football match. It is hoped that while granting permission, concerned authorities will keep in mind that no damage would be done to the grounds of the said stadium.

7. The writ petition is hereby dismissed.

VEENA BIRBAL, J

T.S. THAKUR, J

November 30th, 2007
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