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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9329/2014

SUBHASH CHAND

..... Petitioner

Through Mr. Amit Gupta, Advocate

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through Ms. Mini Pushkarna, Std. Counsel with
Ms. Anushruti, Advocate for R-1 & 2
Ms. Aakriti Vohra, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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20.05.2016

During the course of hearing petitioner has raised three grievances. First one is that a cellular tower at the top of the property bearing no. R-278, Greater Kailash-I, New Delhi (subject property) has been illegally installed. The second grievance is that three shops are being illegally run at the ground floor. The third grievance is that a post office is being run from the first floor of the property.

As regards the first grievance, learned counsel for the respondent submits that sealing order was passed but the same has been challenged by the Cellular Tower Company by filing an appeal before the Appellate Tribunal being Appeal No. 218/2015 which is pending.

Since action has been taken by the respondent in accordance with law and matter is subjudice before the Appellate Tribunal, in my view, law will take its own course and no orders are required to be passed in this petition.

So far as the second grievance is concerned, learned counsel for the

respondent states that initially shops were sealed, but the Monitoring Committee appointed by the Supreme Court found that the shops are legal since same are permissible as per Clause 15.6.3 of the Master Plan 2021. Thus, shops have been de-sealed. Since the shops are permissible per Clause 15.6.3 of the Master Plan of Delhi-2021, no orders can be passed for their closure.

As regards the third grievance, it is submitted by the learned counsel for the respondent that the post office is being run by the Post and Telegraph Department (Union of India) from the first floor of the subject property. Though initially sealing order was passed but action was not taken since post office is run for public service. She further submits that the postal authorities had assured that they would shift the post office from the subject property, therefore, no action has been taken so far. However, now action will be taken in accordance with law, if the same has not been shifted.

The writ petition is disposed of with the above observations.

A.K. PATHAK, J.

MAY 20, 2016/sm