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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 3718/2017, CM No. 43569/2017**  
**RESIDENTS WELFARE ASSOCIATION POCKET-II, MAYUR**  
**VIHAR-1**

..... Petitioner

Through: Mr. Shashi Panwar, Adv.

versus

**COMMISSIONER OF POLICE & ORS**

..... Respondent

Through: Ms. Kiran Singh, Adv. with Ms.  
Jigyasa Rathi, Adv. for R-1 & 2  
Ms. Biji Rajesh, Adv. for Mr.  
Gaurang Kanth, Adv. for EDMC  
SI Deepak Kumar, KPC with ASI  
Virender, Pairvi Officer

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**24.04.2018**

1. The present petition has been filed with the following prayers:-

*“It is therefore, most respectfully prayed that this Hon’ble Court may graciously be pleased to pass appropriate writ/order/directions to the Respondents;*

*a. To scrupulously comply with the revised policy issued by erstwhile Municipal Corporation of Delhi dated 25.06.2007 (Annexure P-2).*

*b. Direct Respondent 1 & 2 to quash/set aside the impugned order dated 21.04.2017, the same being illegal, arbitrary and discriminative;*

*c. Direct Respondents 1 & 2 to issue NOC in favour of the petitioner so as to enable them to place it on record in the office of Respondent no.4;*

*d. Direct Respondent 3 & 4 to consider the pending application for regularization and grant permission qua already installed Gates No. A,B & C (also shown as Gate 1, 2 & 3).*

*e. Pass any other order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice."*

2. A status report has been filed by the respondents 1 and 2 the Commissioner of Police/Deputy Commissioner of Police, wherein in paras 3, 4 and 5, the following has been stated:-

*"3. That the Petitioner had applied for "No Objection Certificate" for these three iron gates before worthy DCP/T/Eastern Range and reply was given by Sh. Kime Kaming, IPS Worthy DCP/T/eastern Rang vide Diary No. 482/SO/DCP/T/ER, dated 21-04-2017 that gates were installed 20 years ago and do not hampers the flow of traffic and as regard of NOC at this stage, it cannot be granted, Residents Welfare Association should have applied it at the time of installation of gates. The copy of reply is annexed herewith as Annexure- 'A'.*

*4. That as per the Policy/guidelines for installation of gates for security purpose in colonies was issued by MCD Engineering Department vide no. D-664/SE (P) I, dated 25-6-2007, the concerned Deputy Commissioner of MCD Zone is authorized to give permission for exertion of gates, subject to RWA adhere to following points-*

*A. Residents Welfare Association will have to obtain No*

*Objection Certificate (NOC) from Traffic Police Department of Delhi Police before applying to Deputy Commissioner of concerned MCD Zone.*

*B. The revised policy shall be applicable to the existing gates also, hence gates already installed by RWAs in the colony should be got regularized by MCD within the period of six months.*

*The Copy of Policy/guidelines issued by MCD Engineering Department dated 25-6-2007 is annexed herewith as Annexure 'B'.*

*5. That it is therefore pertinent to mention that Respondent No.1 & 2 has no objection regarding regularization of existing Three Iron gates.”*

3. In substance, it is the case of the respondents 1 and 2 that they have no objection regarding the regularization of the existing three iron gates.
4. Learned counsel for the EDMC states, in terms of the short affidavit filed by respondents 3 and 4, a no objection is a pre-requisite to apply before the respondent No.4 for regularization and final approval for installation of gates in the colony in terms of Policy dated June 25, 2007. She further states in view of the status report filed by respondents 1 and 2, the case of the petitioner for regularization of the existing three iron gates will be considered.
5. Learned counsel for the petitioner states, the aforesaid shall satisfy the grievance of the petitioner in the writ petition. Accordingly, it is directed

that the respondent Nos. 3 and 4 shall pass a final order on the regularization of the three iron gates specially keeping in view the stand of the respondents 1 and 2 in their status report. The same shall be passed within a period of four weeks from today. Learned counsel for the petitioner states, the writ petition and the connection application be disposed of. Ordered accordingly.

**V. KAMESWAR RAO, J**

**APRIL 24, 2018/ak**