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

+ W.P.(C) 538/2018, CM No. 2284/2018

**PRADEEP VIHAR RESIDENT'S WELFARE
SOCIETY**

..... Petitioner

Through: Mr. Prasoon Kr. Mishra, Adv.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Chiranjeev Kumar and
Mr. Mukesh Sachdeva, Advs. for R1.
Ms. Puja Kalra, Adv. for MCD.
Ms. Shobhna Takiar and Ms. Shweta
Anand, Advs. for R3.
Mr. Arjun Natarajan and Mr. Eklavya
Dwivedi, Advs. for R4.
Mr. K.R. Sasiprabhu and Mr. Ajay
Kr. Jha, Advs. for Reliance JIO.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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12.07.2019

The present petition has been filed by the petitioner with the following prayers:

“It is therefore, most respectfully prayed that under the present facts and circumstances of this case the hon’ble court may kindly be pleased to:

a) Pass an order/direction to Union of India for uninstallation/removal of mobile tower with the assistance of respondent no 2, 3, and 4. Which is being installed by respondent no. 5 and 6 in an illegal way, from the above-mentioned house/address.

b) Pass any order or orders as your Hon'ble court may deem fit and proper in the circumstances of case in the interest of justice.”

From the perusal of the prayers in the petition, it is clear that the challenge in the petition is to the installation of a mobile tower illegally. An affidavit has been filed by the respondent North Delhi Municipal Corporation, wherein in Para 6 the following has been stated:

“6. That Reliance Jio Company has applied for permission for installation of mobile tower at the roof of the property in question. The application was processed and under the orders of competent authority. The permission to install the mobile tower at the roof top of the property in question has been granted / sanctioned vide letter dt. 02.04.19. The copy of permission/sanctioned letter is annexed herewith as Annexure 'B'.”

From the perusal of Para 6 of the affidavit, it is clear that the company/respondent no.5 has obtained the permission from the North DMC.

In view of the aforesaid, in so far as the prayer in the writ petition is concerned, the same has become infructuous.

The petition is closed.

CM No. 2284/2018 (for stay)

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 12, 2019/jg