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

+ W.P.(C) 4051/2020, CM APPL. 14514/2020 (exemption) & CM APPL. 14515/2020 (stay)

ATTAR SINGH

..... Petitioner

Through: Mr. Lal Singh Thakur, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Ms. Puja Kalra, SC for R-1.
Mr. Shekhar Kumar, Advocate for R-2 and R-6.
Mr. Narendar Pal Singh, Advocate for R-3/DPCC.
Mr. Ramnish Khanna, Advocate with Mr. Amit Bhatia, AR for R-4.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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11.08.2020

The hearing was conducted through video conferencing.

1. This petition seeks the following reliefs:

“ It is, therefore, most humble and graciously prayed to this Hon'ble court that this Hon'ble court may be pleased to issue writ/ order/ direction in the nature of mandamus or any other appropriate Writ thereby direct the Respondent No. 1 to cancel the approval and remove the illegal mobile tower from the residential house of the Respondent No. 5 i.e. H. No. 1164, Pooja

Namkeen Wali Gali, Near Guga Talab, Vill. Mundka, Delhi-41, in the absence of necessary permissions from Respondent No. 2 & 3 and not complying with the terms & conditions of the Settlement/ Agreement dated 30.01.2017 in the LPA No.572/2011; and

Or pass any other Writ or further order(s) which this Hon'ble court may deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the respondent, in the interest of justice.”

2. Ms. Puja Kalra, learned Standing Counsel for the North Delhi Municipal Corporation (NDMC), submits that the building in question, as mentioned hereinabove, is less than 15 metres in height. Therefore, a NOC from the Fire Department, GNCTD, is not required. She refers to the Structural Safety Report pertaining to the permission granted to respondent no. 5 by the Corporation, as well as to the NOC. Let a copy of the same, along with supporting documents, be shared with the learned counsel for the petitioner during the course of the day.
3. The Corporation would be required to ascertain whether the installation of a mobile tower on the terrace of the said building would affect its structural safety. Let the Corporation ascertain this. The writ petition shall be treated by it as the petitioner's representation, all parties shall be heard by the Corporation; a decision thereon shall be taken within two weeks from the date of hearing and the same shall be communicated to the parties.

4. It will be open to the parties to pursue their remedies, as may be available in law.
5. The writ petition, along with the pending applications, is disposed-off in the above terms.
6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 11, 2020

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