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

+ W.P.(C) 2565/2024  
SUDHIR HARYAL

.....Petitioner

Through: Mr. Kunal Kalra, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS  
CHAIRMAN & ANR.

.....Respondents

Through: Mr. Sanjay Vashishtha, SC for  
MCD with Ms. Harshita Rai and  
Mr. Prince Pathak, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**28.11.2024**

1. The petitioner has filed this writ petition directed against the permission issued by the Municipal Corporation of Delhi ["MCD"] for installation of a mobile tower in a park in front of the petitioner's residence [S-215, Panchsheel Park, New Delhi 110017].
2. MCD has filed its status report. Although it does not bear a date, Mr. Vashishtha, learned Standing Counsel for MCD, states that it was filed on 08.08.2024. Along with the status report, MCD has placed on record a permission letter dated 15.02.2023 by which respondent no.2- M/s Indus Tower Pvt. Ltd. was permitted to install the tower at the site.
3. This Court has held in W.P.(C) 3267/2010 [*Cellular Operators Association of India & Ors. vs. Municipal Corporation of Delhi*] that permission to install a mobile tower is in the nature of a building permission under the Delhi Municipal Corporation Act, 1957. By an



order of a coordinate Bench dated 11.04.2023 in W.P.(C) 3113/2022 [*Sh. Jai Prakash Gupta vs. North Delhi Municipal Corporation and Ors.*], the petitioner was relegated to alternative remedies in a challenge to the installation of a mobile tower.

4. Learned counsel for the petitioner, however, submits that, in the present case, the permission for installation of the mobile tower was originally given for a location approximately two kilometres away, but the location was shifted to the present location, which is in a green belt. Be that as it may, it is undisputed that the permission dated 15.02.2023 is in respect of the location where the tower has now been installed.

5. These grounds can always be raised by the petitioner in its challenge to the permission.

6. Having regard to the orders mentioned above, the writ petition is disposed of with liberty to the petitioner to challenge the permission dated 15.02.2023 before the Appellate Tribunal for MCD ["ATMCD"]. In the event, an appeal is filed before the ATMCD within a period of ten days from today, the petitioner may also apply for condonation of delay in filing the appeal, including on the ground of the pendency of the present writ petition.

7. The petition is disposed of in terms of the above.

**PRATEEK JALAN, J**

**NOVEMBER 28, 2024**

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