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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10667/2024 & CM APPL. 43900/2024

JAGDISH PARSAD

.....Petitioner

Through: Mr. Kamlesh Kumar Mishra,
Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Ms. Puja Kalra, SC for MCD.
Mr. Krishan Kumar, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.12.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, for a direction upon the Municipal Corporation of Delhi ["MCD"] to uninstall/remove a cellular tower installed on the 6th floor of *Khasra No. 277/176, Gali No. 1A/7, Wazirabad, New Delhi- 110084*.
2. It is the contention of the petitioner that the tower was installed at the aforesaid site without permission. However, MCD, in its status report dated 13.09.2024, has placed on record a copy of the sanction/permission letter dated 23.04.2024 issued in favour of M/s Bharti Airtel Ltd. for the tower in question.
3. The principal submission of the petitioner, that the tower is being installed without permission is, therefore, incorrect. If the petitioner wishes to challenge the validity of the permission, he may do so before



the Appellate Tribunal for MCD [“ATMCD”].

4. This Court has held in W.P.(C) 3267/2010 [*Cellular Operators Association of India & Ors. vs. Municipal Corporation of Delhi*], that sanction for installation of a mobile tower is in the nature of a building permission, under the Delhi Municipal Corporation Act, 1957 [“DMC Act, 1957”]. By the order dated 11.04.2023 in W.P.(C) 3113/2022 [*Sh. Jai Prakash Gupta vs. North Delhi Municipal Corporation and Ors.*], the Court has also held that such permission is, therefore, amenable to appellate jurisdiction of the ATMCD under Section 347B of the DMC Act, 1957.

5. The petition is, therefore, disposed of, with liberty to the petitioner to approach the ATMCD against the sanction/permission letter dated 23.04.2024, if he is so advised.

6. The pending application is also disposed of.

PRATEEK JALAN, J

DECEMBER 9, 2024
SS/AL/