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

+ **W.P.(C) 11727/2024 & CM APPL. 48740/2024**

AMIT CHOPRA

.....Petitioner

Through: Mr. Akash Kundu, Adv.

versus

**MUNICIPAL CORPORATION OF DELHI (THROUGH
COMMISSIONER)**

.....Respondent

Through: Mr. Ashutosh Gupta, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **27.08.2024**

CM APPL. 48741/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 11727/2024 & CM APPL. 48740/2024

3. The petitioner in the instant writ petition seeks to challenge the order dated 10.08.2023 passed by the Additional District and Sessions Judge-cum-Presiding Officer, Appellate Tribunal, MCD, Delhi. The Tribunal, while passing the impugned order, has taken the following position in paragraph Nos.6 and 7:-

"6. The said contention of Ld. counsel of the appellant is however not sustainable. No doubt that the appellant was granted permission for installation of cell tower on 03.04.2019 but said permission was revoked by the respondent vide order dated 23.10.2019.

7. The appellant had not challenged the said order before any authority within the stipulated period. When the permission for installation of tower



was revoked, the appellant was within his right to assail the order of revocation as per law but he has not done so, therefore, respondent is right to hold that the cell tower was unauthorizedly, therefore order "of demolition dated 21.05.2020 has been passed in -accordance with law."

4. It is thus seen that the permission for installation of cell tower was granted on 03.04.2019 but admittedly, the said permission was revoked by the respondent *vide* order dated 23.10.2019. Notably, in the absence of there being any challenge to the order dated 23.10.2019, as noted in the impugned order, the petitioner cannot be granted any relief.
5. The Tribunal, therefore, has rightly recorded that cell tower has rightly been found to be unauthorizedly installed and, accordingly, no interference was made to the demolition order dated 21.05.2020.
6. Learned counsel appearing for the petitioner, however, asserts that in the instant writ petition, he also seeks to challenge the impugned letter dated 23.10.2019.
7. The Court is unable to accept the said prayer. The letter dated 23.10.2019 came to be issued five years ago and at this stage, the aforesaid letter directly cannot be permitted to be assailed in the instant writ petition.
8. Accordingly, the Court does not find any perversity or illegality in the impugned order. Hence, the instant writ petition fails and is hereby, dismissed.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 27, 2024/p