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

+ **W.P.(C) 15791/2024**

SHRI BHAGWAN

.....Petitioner

Through: **Mr. Virendra Singh, Advocate.**
[M:-8588865322]

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Sahaj Garg, SPC with Mr. Rudra Paliwal, GP & Mr. Sachin Saraswat, Advocate for R-1.**
Mr. Sanjay Katyal, SC for DDA/R-2.
Mr. Rajan Tyagi, SC for MCD with Mr. Harpreet Singh Sodhi & Mr. Samar Partap Singh, Advocates for R-3/MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

13.11.2024

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CM APPL. 66244/2024(*Exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15791/2024 & CM APPL. 66243/2024(*interim directions*)

1. Mr. Virendra Singh, learned counsel for the petitioner, states that the petitioner's grievances concern illegal construction in property D-151, Khasra No. 22/13, D-Block, Swaroop Nagar, Delhi-110042. The petitioner is also aggrieved by the installation of a telecom tower on the



rooftop of the said building.

2. As far as the first aspect is concerned, Mr. Rajan Tyagi, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], states, upon advance instructions that, according to MCD, no construction is ongoing on the premises other than construction of a platform for the purpose of installation of the telecom tower for which due permission has also been granted.

3. It is evident from the content of the writ petition that the petitioner has not approached the Special Task Force [“STF”], constituted by the Supreme Court *vide* orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [M.C. Mehta vs Union of India & Ors.]. The STF is headed by the Vice Chairman of DDA and is comprised of representatives from all the concerned agencies, which is in a position to enter into the factual controversy that would arise in the present case.

4. I am, therefore, of the view that it would be appropriate for the petitioner to first approach the STF and avail the administrative remedies available to him.

5. As far as installation of the telecom tower is concerned, the petitioner has annexed a copy of a permission letter dated 24.09.2024 issued by MCD to the respondent No. 5 herein. This Court by a judgment dated 29.04.2011 in W.P.(C) 3267/2010 [Cellular Operators Association of India & Ors. v. Municipal Corporation of Delhi] held, that permission to install a telecom tower is in the nature of permission for construction/approval of building plans. Further, 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 of Delhi and Ors.*]



challenge to installation of a telecom tower was held to be susceptible to appeal before the Appellate Tribunal of Municipal Corporation of Delhi [“ATMCD”]. The petitioner is, therefore, granted liberty to approach ATMCD in this connection, if he is so advised.

6. The petition is disposed of with the aforesaid observations.

PRATEEK JALAN, J

NOVEMBER 13, 2024/‘pv’/