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

+ W.P.(C) 16708/2024, CM APPL. 70684/2024 & CM APPL. 70685/2024

SAROJ BALA

.....Petitioner

Through: Mr. Rajesh Gupta and Mr. Harpreet Singh, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Nikhil Palli, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.12.2024

1. The petitioner assails a letter dated 25.07.2024, by which respondent No. 1 - Municipal Corporation of Delhi ["MCD"] has granted permission for installation of a mobile tower in favour of respondent No.2 - Bharti Airtel Ltd. The tower is proposed to be installed on the roof-top/terrace of property *No. A-179, Kh. No. 1793/2, A Block, Vasant Kunj Enclave, Rangpuri, Malikpur Kohi, Vasant Kunj, New Delhi – 110070* ("subject property"). According to the petitioner, respondent No. 3 – Mr. Nimish Kumar, has roof rights in the subject property, whereas the petitioner is the resident of the third floor.

2. 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 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 Appellate Tribunal for MCD [“ATMCD”]. The petitioner is, therefore, relegated to her remedies before ATMCD, where she would be in a position to take all factual and legal grounds available to her.

3. The writ petition, alongwith the pending applications, is disposed of.

PRATEEK JALAN, J

DECEMBER 4, 2024
SS/JM/