



\$~12

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

+ W.P.(C) 13429/2018

MR. RAJ KUMAR

.....Petitioner

Through: None.

versus

SDMC AND ORS.

.....Respondents

Through: Ms. Puja Kalra, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

01.10.2024

1. The petitioner has approached this Court under Article 226 of the Constitution for removal of a mobile tower at premises *No. D-605, Tajpur Pahari, Badarpur, Delhi – 110044*.

2. Ms. Puja Kalra, learned counsel for the respondents, states that the mobile tower has been installed with due permission. It has been held in *Sh. Jai Prakash Gupta vs. North Delhi Municipal Corporation and Ors.* [order dated 11.04.2023 in W.P.(C) 3113/2022], an order is assailable before the Appellate Tribunal for the Municipal Corporation of Delhi.

3. In any event, the petitioner is unrepresented, and has not appeared on the last two dates of hearing i.e., 19.01.2024 and 24.05.2024. It is evident from the record that the petitioner was earlier represented but there has been no appearance on behalf of the petitioner since 26.09.2023.

4. On 26.09.2023, the following order was recorded:

“1. Ms. Mumtaz Ahmad, learned counsel appears on behalf of the petitioner. The petitioner was unrepresented on the last two dates of



hearing i.e., 21.04.2022 and 24.03.2023. Learned counsel states that she was not appearing as she had no instructions on behalf of the petitioner, but the petitioner contacted her yesterday, instructing her to appear today.

2. This is not a satisfactory state of affairs. Ms. Mumtaz Ahamad is the counsel who has filed the present petition. It is expected that learned counsel on record will appear before the Court and apprise the Court of the status of the matter, whether or not they have been instructed to appear on a particular date. Even today, learned counsel does not have instructions.

3. Adjournment is therefore granted at the request of learned counsel, subject to deposit of costs of Rs.10,000/- with the Delhi High Court Legal Services Committee [UCO Bank, Delhi High Court, Shershah Road, New Delhi, Account No. 15530110008386, IFSC Code-UCBA0001553] within two weeks from today.

4. List on 19.01.2024.”

5. Costs, as directed, have also not been deposited.

6. In view of the fact that the petitioner has not entered appearance, the petition is dismissed for default, but without prejudice to the remedies he may have against the order granting permission for the mobile tower.

PRATEEK JALAN, J

OCTOBER 1, 2024

‘Bhupi’/