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

+ W.P.(C) 1034/2020

**BHAGYAWAN CO-OPERATIVE GROUP HOUSING
SOCIETY**

.....Petitioner

Through: Mr. S.K. Nanda, Mr. Shivam Sharma
and Ms. Monalisa Mishra, Advocates.

versus

**EAST DELHI MUNICIPAL CORPORATION
AND ORS.**

.....Respondents

Through: Mr. Abhishek Chhabra, Additional
Standing Counsel for Respondent No. 1/EDMC.

Mr. Naman Issrani, Advocate for R-3.

Mr. Ramesh Babu MR, Ms. Swati Setia and Ms.
Jagriti Bharti, Advocates for R-4 and R-5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

10.02.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India for a direction to Respondents No. 1 and 2 to restrain Respondents No. 3 to 6 from operating illegal commercial coaching and tuition classes with immediate effect.

2. Status report has been filed on behalf of the MCD. It is stated in the report that the concerned Area Junior Engineer (B) has inspected the four flats bearing Nos. B-201, Second Floor; D-201, Second Floor; D-202, Second Floor; and D-301, Third Floor, in Bhagyawan Co-operative Group Housing Society Ltd., Plot No. 17, Mayur Vihar Phase-1 Delhi, to ascertain if there is any misuse in the form of running coaching centres. On inspection, it was found that the flat owners are imparting home tuitions for the last several years to some students inside the flats and are also living in the same flats with their families. It is stated that none of the activities



carried out in the flats in question come within the ambit of commercial activities as per the provisions of MPD-2021 and therefore, no action is warranted by MCD. In respect of security issues, it is stated that inspection has revealed that the society has its own internal system of security at the exit and entry points by deputing security guards and it is not for the MCD to intervene in the internal security system.

3. In view of the status report, this Court is unable to agree with the Petitioner that the owners/occupiers of the flats in question are running coaching institutions so as to amount to a commercial activity. Home tuitions are being taken within the premises of the concerned flats between fixed timings and families are living in the same flats. Therefore, to this extent, no action by MCD is warranted at this stage. However, this Court agrees with learned counsel for the Petitioner to the extent that some regulatory measures need to be put in place so that there is no inconvenience to the other residents of the society and security of the residents is not compromised and fairly, counsels for Respondent No. 3 as well as Respondents No. 4 and 5 do not join issues on this aspect. Learned counsels submit, on instructions, that the answering Respondents will adopt the following measures in the interest of the residents of the society:-

- (i) Identity cards will be issued to the students who are taking home tuitions;
- (ii) No student will come inside the gate in any vehicle and the vehicles will be parked outside the gate of the society;
- (iii) While entering and exiting, entries will be made in the registers kept with the security guards;



- (iv) Care will be taken that students do not disturb other residents of the society in any form; and
 - (v) At any given point in time, the number of students in any tuition class will not exceed 8.
4. Writ petition is disposed of in the aforesaid terms binding Respondent No.3 as well as Respondents No.4 and 5 to the assurance given by them. In case of any surviving/further grievance, Petitioner will be at liberty to seek revival of the writ petition.

JYOTI SINGH, J

FEBRUARY 10, 2025/shivam