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

+ **W.P.(C) 2810/2021 and CM APPLs. 29544/2024 and 38245/2024**

**MOUNT ABU EDUCATION SOCIETY REGD  
& ANR.**

.....Petitioners

Through: Mr. Kamal Gupta, Mr. Sparsh Aggarwal, Ms. Yosha Dutt and Mr. Aaditya Dhull, Advocates

versus

**NORTH DELHI MUNICIPAL CORPORATION  
& ANR.**

.....Respondents

Through: Mr. Tushar Sannu, Standing Counsel with Mr. Harsh Yadav, Advocate for MCD. Mr. Nitin Mishra, Mr. Keshav Sehgal and Mr. Kshitij Joshi, Advocates for R2.

**CORAM:  
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER  
11.02.2025**

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1. This writ petition is preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:

*“(a) Mandamus directing the Respondent No.1/North DMC to sanction and release the proposed addition/alteration plan of the school building at Pocket-B/8, Sector-5, Rohini in terms of the judgment of this Hon’ble Court in W.P(C) No.10451/2015 titled Action Committee Unaided Recognized Private Schools Vs. DDA; giving all permissible benefits under the Amended Byelaws, MPD-2021.*

*IN THE ALTERNATIVE TO (A) ABOVE,*

*(b) Mandamus directing the Respondent no.2/DDA to immediately modify the Lease Deed of the Petitioners with respect to the school at Pocket- B/8, Sector-5, Rohini, Delhi-110085, to mention Sr. Secondary School, instead of Middle School, in compliance of the Judgment passed by this Hon’ble Court in WP(C) No.10451/2015 titled Action Committee Unaided Recognized Private Schools Vs. DDA.”*



2. Learned counsel appearing on behalf of Respondent No.2/DDA hands over copy of Standard Operating Procedure ('SoP') dated 07.11.2024 formulated by the Institutional Land Branch of DDA, pursuant to judgment of this Court in W.P.(C) 10451/2015, upheld by the Division Bench in LPA 140/2021 against which SLP (Civil) Diary No.10525/2024 was dismissed by the Supreme Court and submits that Petitioner School will have to comply with the SoP to enable DDA to issue No Objection Certificate and modify the Lease Deed dated 21.01.2002 in respect of land admeasuring 7,560 sq.m. allotted by DDA in the year 1996 in Pocket-B/8, Sector-5, Rohini, Delhi for running a middle school. Copy of the SoP is taken on record.

3. Mr. Kamal Gupta, learned counsel appearing on behalf of the Petitioners submits, on instructions, that within a period of two weeks from today, Petitioners shall furnish the following documents to DDA to enable it to process the case of the Petitioners for grant of NOC and modification of the Lease Deed in question and directions be issued to DDA to do the needful on receipt of the documents:-

- (i) Permission from Department of Education, GNCTD, for upgradation from Primary/Middle School to Senior Secondary School;
- (ii) Affiliation and recognition certificate from the concerned Board (CBSE, etc);
- (iii) Income tax exemption certificate;
- (iv) An affidavit that the society/allottee has not occupied any additional area other than the area handed over by DDA for running of the School; and



(v) An affidavit that the Society has paid all outstanding dues towards the ground rent etc. in terms of Clause 2(d) of SoP.

4. Let the aforementioned documents as required under the SoP dated 07.09.2024 be furnished by the Petitioners to DDA within a period of two weeks from today. On receipt of documents and verification thereof, DDA shall process the case for grant of NOC within 04 weeks of receipt and within 02 weeks thereafter, steps will be initiated for modification of Lease Deed dated 21.01.2002.

5. Extensive arguments have been made on behalf of the Petitioners and DDA with respect to the actual land in possession of the Petitioners. While Mr. Gupta contends that not an inch of land beyond what was allotted has been occupied by the school, counsel for DDA seeks permission to inspect the land and make an assessment on this aspect.

6. It is agreed between the Petitioners and DDA that since Clause 2(e) of the SoP requires that the society/allottee should not occupy any additional area than the area allotted, joint inspection will be carried out by Authorised Representatives of the society and officials of DDA on a date and time, mutually convenient to the parties and with prior intimation. In case it is found on inspection that society is occupying any area additional to the allotted area, notice will be issued by DDA and necessary rectification will be carried out by the school within 04 weeks to be compliant with the guidelines under the SoP. This would, however, not preclude the DDA from processing the case for NOC/modification of Lease Deed with respect to verification of the documents furnished by the Petitioners, as aforementioned, subject to an undertaking by the society that it will rectify the additional area occupied by it, if any, found on joint inspection.



The entire exercise will be completed by DDA within 02 months from today.

7. Writ petition stands disposed of along with pending applications.

**JYOTI SINGH, J**

**FEBRUARY 11, 2025/KA**