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

+ **W.P.(C) 11011/2023 and CM APPL. 42712/2023**

SANJAY KUMAR SAKHUJA

.....Petitioner

Through: None.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Piyush Beriwal, Mr. Sandip Munian and Ms. Jyotsna Vyas, Advocates with Mr. Devrat Yadav, Govt. Pleader for R1.

Mr. Shikhar Garg and Ms. Praduya Kulkarni, Advocates for R5.

Mr. Shashank Garg, Senior Advocate with Ms. Nishtha Jain and Mr. Shikhar Garg, Advocates for R6.

Mr. Tushar Sannu, Standing Counsel with Mr. Harsh Yadav, Advocate for MCD.

Mr. Prashant Manchanda, Ms. Nancy Shah and Ms. Isha Baloni, Advocates for Respondent/GNCTD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

13.01.2025

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“a). Issue the Writ of Mandamus or any other appropriate Writ Order(s) or Directions in the nature of mandamus commanding the opposite parties to remove/demolish the illegal installation of Cellular Mobile Tower on permanently structure fixed on cemented base by the Respondent No. 5 and 7; and

b). Restrain the Respondent No. 6 from installing a Ground Based Monopole Tower under the operation of Letter bearing No. AC/RPC/MCD/2023/D-1139, dated 01.08.2023, issued by the Respondent

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No. 4 as against the contravention of rules framed by the concerned authorities in respect of installation of multiple mobile tower at one place as well as obtaining NOC from the nearby land owner and also the address given in the said letter is different from the shop of the Petitioner situated at Pushp Vihar, Sector-III-A, M.B. Road, New Delhi.

c). Any other appropriate writ order or direction of this Hon'ble Court may deem just and necessary in the facts and circumstances of the case may also be passed."

2. On 21.08.2023, notice was issued by the Court to the Respondents and the matter was adjourned to 01.12.2023. Order sheets indicate that thereafter there has been no representation on behalf of the Petitioner on 01.12.2023, 14.05.2024, 24.10.2024 and even today, none appears on behalf of the Petitioner. It appears that the Petitioner is not interested in prosecuting the present petition.

3. Additionally, learned Senior Counsel appearing on behalf of Respondent No.6 and counsels representing Respondent/MCD and Respondent No.5 draw the attention of the Court to the status report filed by the MCD, wherein a categorical stand is taken that on inspection it was found that the shop of the Petitioner is not in use. Relevant photographs have also been filed in this regard. It is further stated that the towers in question were installed with due permission from the MCD and in conformity with the permission and the applicable policy. MCD has detailed how the installation of the towers is compliant with policy and other norms on the subject. Noting the stand of the MCD in the status report, the writ petition is dismissed for non-prosecution and in default.

4. Pending application also stands disposed of.

JYOTI SINGH, J

JANUARY 13, 2025/jg

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