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

+ W.P.(C) 7496/2019

MR. RAVINDRA KUMAR N. PATEL

..... Petitioner

Through Mr.Jatin Kumar, Adv. for petitioner
alongwith petitioner

versus

NORTH DELHI MUNICIPAL

CORPORATION AND ORS.

..... Respondents

Through Ms.Mansi Gupta, Adv. for NDMC
Mr.Arvind Nayyar, Sr.Adv. with Mr.Arjun Pant
and Ms.Upasana Chandrashekhar, Adv. for R-2
Mr.KhushagraPandey, Adv. Panel Counsel
GNCTD with SI Suresh Kumar for R-4
Mr.Manish K.Srivastava and Mr.Rijul Taneja,
Adv. for R-5/TPDDL
Mr.Rahul Sharma, Mr.C.K.Bhatt with Major Arjun
Kathoch, for R-6/ Ministry of Defence
Ms.Kanika Agnihotri, Addl.Standing Counsel for
R-7/DJB

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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25.09.2019

1. Let SDMC file status report within four weeks. Counter-Affidavit be filed by respondent No.6 and 7. Delhi Police/Respondent No.4 has filed an affidavit where they have pointed out that a complaint has been lodged by Tata Power DDL company that the pole which was in the property in question has been damaged and its high tension network is hanging in an extremely dangerous condition which is a serious threat to general public safety and electricity supply reliability of the area. The Pole according to TPDDL was installed 20 years ago. An appropriate FIR has been registered by the Delhi Police. Another FIR is also registered based on the complaint



filed by Mr.Rattan Sachdev, General Secretary of Inderpuri Residents Association. Complaints are also said to have been received by Lt.Col.Officer Commanding, B SQN 61 Cavalry, Delhi Cantt.

2. Learned senior counsel appearing for respondent No.2 has refuted the contentions of the Delhi Police and TPDDL. He has stated that plan was sanctioned for carrying out construction dated 23.9.2011 which has been revalidated in 2016.

3. Be that as it may, in my opinion, merely because a plan was sanctioned does not authorise respondent No.2 to start shifting electricity poles belonging to TPDDL on his own contrary to statutory provisions.

4. Page 45 of the Writ Petition also shows that workers are seen trying to shift the electricity pole. Keeping into account that shifting of the pole/damaging in this manner is dangerous for the public. TPDDL is directed to take steps to have the pole repaired/reinstalled without prejudice to its rights and contentions to recover the costs from respondent No.2. In case, such a step is taken by TPDDL, observations made herein will not prejudice respondent No.2 in any such proceedings. Respondent No.4 will ensure appropriate police protection, if sought for is provided.

5. Counter-Affidavit filed by respondent No.2 is taken on record.

6. List on 2.3.2020.

JAYANT NATH, J.

SEPTEMBER 25, 2019/n