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

+ **W.P.(C) 19035/2025 & CM APPL. 79269/2025, CM APPL. 79270/2025**

RENU CHAUDHRY & ORS.

.....Petitioners

Through: Mr. Jatin Sehgal, Mr. Shivashish Dwivedi, Ms. Devna Soni and Ms. Yashi Bajpai, Advs.

versus

MCD & ORS.

.....Respondents

Through: Mr. Aditya Swarup, Mr. Vishnu Sharma A.S., Ms. Namrata Sarogi, Mr. Mohd. Ilyas and Mr. Arun Mallik, Advs. for R-3 & 4
Mr. Tushar Sannu, SC with Mr. Parvin Bansal and Mr. Fajallu Rehman, Advs. for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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16.12.2025

CM APPL. 79269/2025 & CM APPL. 79270/2025 (For Exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 19035/2025

3. The present writ petition has been filed by the residents, owners and occupants of *House No. 62, NRI Complex, Mandakini Enclave, New Delhi* seeking intervention of this Court against the continued existence and operation of mobile/roof top tower, erected in 2004, on the rooftop of the said building by respondent nos. 3 and 4.



4. It is submitted that the same has been wrongly legalized/regularized by respondent no.1, through a fresh approval, purporting to permit installation of a new roof-top tower under the Telecommunication (Right of Way) Rules, 2024 (“Right of Way Rules”).
5. It is submitted that earlier a Speaking Order dated 23rd October, 2024 had been passed by the Deputy Commissioner, Municipal Corporation of Delhi (“MCD”) categorically directing the respondent nos. 3 and 4 to remove the tower within a period of four weeks, which order has not been set aside, but has also not been complied with till date.
6. It is submitted that against the said order dated 23rd November, 2024, the respondent no. 3 had filed an appeal being *Appeal No. 1028/2024* before the Appellate Tribunal, MCD (“ATMCD”), wherein, the petitioners herein were not made a party.
7. It is further submitted that subsequently, the said appeal was withdrawn on account of the fact that permission under the Right of Way Rules had been granted by the MCD to install the tower. Thus the present writ petition has been filed.
8. Issue notice. Notice is accepted by learned counsels appearing for the respondent nos. 1, 3 and 4.
9. Issue notice to respondent no. 2, by all modes.
10. Learned counsel appearing for the respondent nos. 3 and 4 submits that under the Right of Way Rules, no ‘No Objection Certificate’ (“NOC”) is required from the owners/residents. He, thus, submits that the MCD has rightly granted requisite permission under the aforesaid Right of Way Rules to the respondents.
11. However, the said fact is vehemently disputed by learned counsel



appearing for the petitioners.

12. Learned counsel appearing for the petitioners submits that since the tower in question has been in existence since the year 2004, and therefore, the Right of Way Rules, cannot have a retrospective application on a tower, against which, removal orders had already been issued by the MCD.

13. Let reply be filed by the respondents, within a period of four weeks.

14. Rejoinder thereto, if any, be filed within two weeks, thereafter.

15. Re-notify on 24th February, 2026.

MINI PUSHKARNA, J

DECEMBER 16, 2025/KR