



2026:DHC:1573



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

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Date of decision: 19th February, 2026

+ W.P.(C) 13577/2025 with CM APPL. 55705/2025 & CM APPL. 73454/2025

HARJIT SINGH

.....Petitioner

Through: Mr. Asish Nischal, Mr. Arun Nischal
and Mr. Shivam Kumar Singh,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
THROUGH ITS COMMISSIONER & ORS.

.....Respondents

Through: Ms. Tajinder Virdi, Advocate for
MCD (*through VC*).
Mr. Anubhav Gupta, Advocate for
R-2.
Mr. Manish Rohilla, Advocate for
R-3.
Mr. V. Chandrashekara Bharathi,
Advocates for R-5.
Mr. Nakul Mohan, Advocate for R-6.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present writ petition has been filed seeking direction to the respondent no.1/ MCD to withdraw the permission granted by it to the respondents no.4 and 5 for proposed installation and erection of Jio digital mobile tower on the terrace of the 3rd floor of the premises of the respondent



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no.6 bearing property no. 737, *Pocket-1, Paschim Puri, New Delhi-110063* (hereinafter '*subject property*').

2. At the time of filing of the present petition, the respondents no.4 and 5 had laid down the foundation for installation and erection of the mobile tower on the terrace of the 3rd floor of the subject property.

3. Notice in the present petition was issued on 3rd September 2025.

4. On the same date, the respondents no.4 and 5 were directed to maintain *status quo* with regard to the installation and erection of the mobile tower on the terrace of the 3rd floor of the subject property.

5. Counsel for the petitioner has made the following submissions:

5.1. The subject property upon the terrace of which the aforesaid mobile tower is proposed to be erected consists of four floors. The petitioner is the registered owner of the ground floor, whereas the respondent no.6 is the owner of the 1st, 2nd and 3rd floors of the subject property. However, the petitioner's consent has not been obtained for the mobile tower installation despite the fact that he is a co-owner of the subject property. Reliance in this regard is placed on Rule 15(1) of the Telecommunications (Right of Way) Rules, 2024 (hereinafter '*ROW Rules*').

5.2. The aforesaid permission has been granted by the respondent no.1/ MCD on account of misrepresentation by the respondent no.6 that she is the sole owner of the subject property.

5.3. Installation of the said mobile tower would breach health and safety standards of the residents. A written representation was also made in this regard by the residents of Pocket-1, Paschim Puri, New Delhi-110063 to the Officer-in-Charge, P.S. – Punjabi Bagh on 6th June 2025.

5.4. No inspection was carried out to assess the structural stability of the



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subject property. Attention of this Court is drawn to the photographs attached with the present petition to submit that the subject property is old and is not structurally stable to bear the weight of the aforesaid mobile tower. Reliance in this regard is placed on Rule 15(4) of the ROW Rules.

6. Counsel appearing on behalf of the respondent no.5 has made the following submissions:

6.1. In terms of the Telecommunication Act, 2023 read along with the ROW Rules, no permission is required from the statutory authorities to install a mobile tower in a private property. The only requirement is to enter into an agreement with the owner of the private property and send an intimation to the municipal authorities.

6.2. The respondent no.6 is the owner of the entire property except the ground floor, which has been sold by the respondent no.6 to the petitioner. Hence, the respondent no.5 has entered into an agreement with the respondent no.6 in accordance with the ROW Rules.

6.3. A Structural Stability Certificate has also been obtained from IIT, Roorkee in term of Rule 15(4) of the ROW Rules. Accordingly, it is submitted that the installation of the mobile tower in the subject property is strictly in accordance with the applicable law.

7. A status report dated 10th October 2025 has been filed on behalf of the respondent no.1/ MCD, wherein it has been confirmed that the respondent no.5 submitted an intimation dated 12th July 2025 with respect to installation of rooftop telecom infrastructure in the subject property along with Structural Safety Report from IIT Roorkee and Leave and License Agreement entered into between the respondents no.5 and 6.

8. The respondent no.6, in her affidavit dated 14th November 2025, has



confirmed that she is the absolute owner of the subject property except the ground floor, which was sold by her to the petitioner on 2nd February 2011, without apportioning the rights to the terrace of the subject property. It has further been stated that she has entered into an agreement with the respondent no.5 in terms of Rule 15 of the ROW Rules and granted it permission for erection and installation of a mobile tower in the subject property.

9. I have heard counsel for the parties and perused the material on record.

10. At the outset, it is noted that the present petition is the second round of litigation on the same cause of action. A previous writ petition, being W.P.(C) 9188/2025, was filed with the same cause of action, which was withdrawn on 14th July 2025 with the liberty to file a fresh petition challenging the validity of certain Rules of the ROW Rules. However, despite liberty granted by this Court, the petitioner has not challenged the validity of any of the provisions of the ROW Rules, including Rule 15 which governs the establishment of telecommunication network in private properties.

11. A reference may be made to Rule 15(1) the ROW Rules, which reads as under:

“15. Establishment of telecommunication network in property other than public property. – (1) Any facility provider desiring to enter any immovable property other than public property, for the purposes specified under sub-section (2) of section 12 of the Act, shall do so with the prior consent and enter into an agreement with the person who has ownership, control, or management over such property:

Provided that such person and the facility provider may mutually decide whether to get the agreement registered under the



provisions of the Registration Act, 1908 (16 of 1908), pursuant to sub-section (3) of section 14 of the Act.”

[Emphasis Supplied]

12. In terms of Rule 15(1) of the ROW Rules, a telecom service provider is required to obtain prior consent of, and enter into an agreement with, the person, who has ownership, control or management of the private property in question. In the present case, the documents on record clearly establish that the respondent no.6 is the sole owner of the terrace of the subject property, where the mobile tower is sought to be installed whereas the petitioner is only the owner of the ground floor.

13. It is also an undisputed position that the respondent no.5, who has proposed to install the mobile tower, has obtained the consent of, and entered into an agreement with, the respondent no.6.

14. Now a reference may be made to Rule 15(4) of the ROW Rules, which is set out below:

“15. Establishment of telecommunication network in property other than public property. –

(4) In the case of establishment, operation and maintenance of mobile tower or pole over such property, the facility provider shall, prior to commencement of such establishment, submit information in writing, in the form provided for this purpose on the portal, to the concerned public entity along with details of the building or structure where the establishment of the mobile tower or pole is proposed, and a copy of certification by a structural engineer authorised by a public entity, attesting to the structural safety of the building or structure where the mobile tower or pole is proposed to be established.”

[Emphasis Supplied]

15. Rule 15(4) of the ROW Rules requires the telecom service provider to furnish a certificate from a Structural Engineer with regard to the structural



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safety of the private property where the mobile tower is proposed to be installed.

16. Once again, the respondent no.1/ MCD has confirmed that the aforesaid Structural Safety Certificate has been duly obtained by the respondent no.5.

17. Accordingly, the respondents no.5 and 6 have duly complied with the requirements laid down under Rule 15 of the ROW Rules for installation and erection of a mobile tower in a private property.

18. In view of the discussion above, in my considered view, there is no impediment with the respondent no.5 in installing the mobile tower at the terrace of the subject property.

19. Accordingly, it is held that there is no merit in the present writ petition and the same is dismissed.

20. All pending applications stand disposed of.

AMIT BANSAL, J

FEBRUARY 19, 2026

Vivek/-