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

+ **W.P.(C) 5607/2025, CM APPLs. 25577-79/2025**

KHIRKI VILLAGE RESIDENT WELFARE ASSOCIATION

.....Petitioner

Through: Mr.Gaurav Goel, Adv. with Mr.Vikas
Gautam, Mr.Ravi Kumar and
Mr.Tarun Kumar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr.Kapil Dutta, Adv. with Mr.Vikas
Chopra, Adv. for MCD.

Mr.Amit Tiwari, CGSC with
Ms.Ayushi Srivastava and Mr.Ayush
Tanwar, Advs. for R-2 & R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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02.07.2025

1. A short affidavit on behalf of Archaeological Survey of India has been filed, which is taken on record.
2. The said affidavit contains a letter dated 14.05.2025 issued by the competent authority of the Municipal Corporation of Delhi, whereby permission has been granted for repair/renovation of existing structures i.e. porta cabin, boundary wall, toilet block and drinking water space at Municipal Corporation School of Delhi Primary School, Khirki Village, Ward No. 149, Malviya Nagar, New Delhi.
3. It has been informed by learned counsel representing the Municipal



Corporation of Delhi that in accordance with the aforesaid permission granted, the repair/renovation of the existing structure is likely to commence for which requisite approvals and financial sanctions etc. are being taken.

4. Learned counsel for the petitioner however informs that the permission accorded by the competent authority vide letter dated 14.05.2025 is confined to repair/renovation of porta cabin, boundary wall, toilet block and drinking water space only and it does not include any permission for construction of the classes/class rooms.

5. Learned counsel representing the Municipal Corporation of Delhi, however, states that permission was sought only for repair/renovation of the existing structures and not for construction of any class rooms. He further states on instructions that proposal is under preparation for seeking permission of the competent authority for construction of the class rooms as well.

6. If the school is to run, it will require class rooms as well, apart from the facilities for which permission for repair/renovation has been granted by the competent authority vide letter dated 14.05.2025. It is beyond comprehension as to how a school can run without class rooms and only with the facilities of boundary wall, toilet block and drinking water space alone.

7. For the aforesaid reasons, we direct the Municipal Corporation of Delhi to move the application/proposal seeking requisite permission of the competent authority for construction of the class rooms as well within a week. We further direct that if any such application/proposal is made, the competent authority shall consider the same having regard to the necessity of running the school which as observed above cannot be granted without the classes. The decision by the competent authority shall be taken within two months from



the date the application/proposal is made by the Municipal Corporation of Delhi seeking permission for construction of the class rooms.

8. List on 08.10.2025.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

JULY 2, 2025
“shailndra”