

Delhi HC Justice V Kameswar Rao sets ground rule for playschools
: *also* , defines processes of mixed land use



The Hon'ble Justice
Basicolan V Kameswar Rao
BA Geog Hons SBS 1986
LLB CLC 1990
Judge
High Court of Delhi

Delhi High Court said it is mandatory to get NOCs from other occupants of a building if one of the owners wants to start a pre-primary school on the premises .

The ruling is significant as it will *help authorities regulate permission* for schools/creches/playschools for toddlers that have mushroomed in recent years in residential areas of the Capital .

Justice V K Rao interpreted provisions of the Master Plan and Delhi Municipal Corporation Act to hold that the local Residents Welfare Association (RWA) also needs to be consulted by the Corporation for identification of a street/road before it is *put to mixed use* — where residential properties are allowed to run commercial units .

The Court cited MPD 2021 to stress that authorities, while giving such permissions such as to open a preprimary school, “must balance socio - economic need and environmental impact by taking into account effect of congestion, increased traffic as well as increased pressure on civil amenities .”

“An occupant of other dwelling unit(s) in a residential building, has a stake insofar as the common areas/amenities/security etc are concerned. To that extent, his/their rights would be affected. To obviate an objection at a later stage, NOC needs to be taken from the occupants of the other dwelling - units in the building, before starting any activity,” Justice Rao noted, allowing the plea of the other owners and restraining the ground floor owners from starting the school.

14.04.2018 The Times of India *adapted*

Basicolan is a popular term for Shaheed Bhagat Singh SBS College alumni