

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

+ **W.P.(C) 2197/2008**

DR.KULDIP SINGH Petitioner
Through Mr. Navin Kumar and Mr. K S Yadav,
Advocates

versus

M.C.D. & ANR. Respondents
Through Mr. Ajay Arora and Mr. Kapil Dutta,
Advocates for MCD

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
19.03.2008

1. The petitioner has purchased second floor of the property bearing no.E-82, Greater Kailash-I, New Delhi-48 by the sale deed dated 22nd December, 2006. It is apparent from the photographs enclosed with the petition that the property was constructed for being used for commercial purposes. It was admitted by the counsel for the petitioner during the course of arguments that the property was sealed on account of unauthorised construction in the year 2006 by MCD. The petitioner had purchased the property after it was de-sealed.
2. Thereafter, Master Plan of Delhi 2021 as stands enforced. As per

clause 15.3.2 of Master Plan of Delhi 2021 commercial activities in nature of guest house, nursing home and pre-primary schools are permitted subject to conditions specified in clause 15.7, in plots abutting roads with minimum width 18 sq.mts. It is admitted by the petitioner that he has not challenged Master Plan of Delhi 2021 and therefore the question before this court is whether MCD is correct in giving permission to operate and run a guest house on the ground floor and the first floor of the property. It is not the case of the petitioner that conditions mentioned in clause 15.3.2 and 15.7 were not examined by MCD or are not satisfied. As long as conditions mentioned in the Master Plan of Delhi 2021 are satisfied, MCD is entitled to give permission for operating and running of a guest house on the ground floor and the first floor of the property.

3. Learned counsel for the petitioner refers to clause 15.1 of Master Plan of Delhi 2021. The relevant portion of the said clause reads as under :

“15.1 Governing Principles for Mixed Use

- i. Mixed use means the provision for non-residential activity in residential premises.
- ii. The policy aims to balance the socio-economic need for such activity and the environmental impact of the said activity in residential areas.
- iii. Mixed use allows access to commercial activities in the proximity of the residences and reduces the need for commuting across zones in the city. However, at the same time, it needs to be regulated in order to manage and mitigate the associated adverse impact related to congestion,

increased traffic and increased pressure on civic amenities.”

4. The above clause only indicates general principles for mixed land use. It also states the policy on the basis of which conditions for mixed land use were finalized in terms of clause 15.3.2 and 15.7. At this stage only permission has been granted to run and operate a guest house from ground and first floor of the property. In case the petitioner faces any inconvenience, nuisance or harassment, it will be open to him to approach respondent authorities with his grievance which will be examined by the respondent authorities and if there is violation of Master Plan, the respondent will be entitled to revoke the permission. As far as individual or personal property rights of the petitioner are concerned, it is also open to him to file a civil suit against the builder/owner of the property.

The writ petition is accordingly disposed of.

SANJIV KHANNA,J

MARCH 19, 2008
vld