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

+ LPA 485/2017, CM No.25290/2017

SHASHI MEHRA & ORS. Appellants

Through: Ms. Malvika Trivedi, Mr. Praveen
Pahuja, Mr. Sourav Jena, Advs.

versus

NORTH DELHI MUNICIPAL CORP. & ORS. ... Respondents

Through: Mr. Mukesh Gupta, Standing
Counsel for R1
Mr. Kirti Uppal, Sr. Adv. with
Mr. Aman Vachher, Mr. Ashutosh
Dubey, Advocates for R2 & R3

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HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **14.09.2017**

1. This appeal challenges an interim order made by the learned Single Judge whereby an earlier status quo order was vacated at the behest of respondent No.2 and 3 (hereinafter referred to as 'the contesting respondents'). Pursuant to an award in respect of Property being Plot No.7, Bela Road, Civil Lines, Delhi – 110054, a sub-division apparently took place of that plot into four separate units (7A, 7B, 7C and 7D). The appellants/petitioners claimed to be owners in possession of Plot No.7A. Their grievance in the writ petition was that the contesting respondents had wrongly claimed sanction for a composite plan in respect of the entire plot. They were also aggrieved by an order made by the MCD Tribunal, upon an appeal preferred by the contesting respondents.

2. This Court has considered the material on record and also perused the records of the North Delhi Municipal Corporation. Having regard to the materials, it is clear that the application made for sanction was in respect of the composite plot and there is some ambiguity in the Tribunal's order. In these circumstances, the Court had suggested that the contesting respondents file a fresh application for sanction in respect of the area that they can claim entitlement of, i.e. Plot No.7B, 7C and 7D, Bela Road, Civil Lines, Delhi – 110054. This course was agreeable. In the circumstances, the contesting respondents shall ensure that the existing application along with the sanction plan which was submitted previously is withdrawn and substituted with a fresh application with the correct nomenclature, i.e. Plot No.7B, 7C and 7D. In case the process is completed, the North Delhi Municipal Corporation shall process the application and the request within four weeks. No other issue urged in the writ petition has been addressed by this order. In case of any other grievance, it is open to the parties to urge the same in accordance with law.

The appeal is disposed of in the above terms.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 14, 2017

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