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

+ **W.P.(C) 13694/2018 & CM No.53419/2018**

SAT PRAKASH SHARMA & ANR.

..... Petitioners

Through: Mr.Gaurav Mitra with Mr.Vineet
Kumar & Mr.Dushyant Kumar, Advs.
with P-2 in person.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Sanjeev Sabharwal, Standing
Counsel with Mr.Hem Kumar, Adv.
& Mr.Manohar Lal Baaghel,
A.E.(Bldg.) HQ

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **18.12.2018**

1. Vide the present petition, the petitioners seek a direction to the respondent to place its application seeking sanction for use of property being bearing Khasra No.223, 226 min, 229/1, 229/2 situated in the revenue estate of Village Satbari, New Delhi as a Motel before the Committee constituted by the respondent to consider the sanction of motels and take a reasoned stand and communicate the same to the petitioners.

2. Mr.Gaurav Mitra, learned counsel for the petitioners submits that even though the petitioners' application was initially rejected because of certain technical deficiencies on their part in filing the

application, but before the same could be again taken up for consideration after removal of the deficiencies, the MPD 2021 was notified whereunder, new Motels were not permitted in urban areas and in the green belt. He submits that subsequently, there has been amendment in the MPD 2021 whereby subject to fulfilment of the statutory conditions, Motels are now permitted in both urban areas and the green belt.

3. Mr.Mitra states on instructions that instead of pressing the petition on merits, the petitioners would be satisfied if the respondents are directed to consider the present writ petition as a representation and pass a reasoned order thereon.

4. Learned counsel for the respondent opposes the said prayer and states that the petitioner's application having been rejected in accordance with the then prevailing MPD, the same cannot be reconsidered at this stage. In my opinion, the objection raised by the learned counsel is liable to be rejected as while deciding the petitioner's representation, it will always be open for the respondent to pass an order as may be appropriate in the facts and circumstances of the case. Needless to say that before taking a decision on the petitioner's representation, the same would be placed before the Committee constituted by the respondent itself to consider the sanction of Motels.

5. The writ petition is disposed of with a direction to the respondent to treat the same as a representation and pass a reasoned order thereon within a period of 12 weeks. In case, the petitioner is aggrieved by the decision taken by the respondent, it will be open for

the petitioners to take legal recourse as per law.

REKHA PALLI, J

DECEMBER 18, 2018
gm