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

+ W.P.(C) 7499/2019

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Date of Decision: 10th October, 2019

BINDIA CHHABRA

..... Petitioner

Through: Mr.Sumit Bansal, Adv. with
Mr.Udaibir Singh Kochar, Mr.Prateek Kohli,
Advs.

Versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr.Mukesh Gupta, Standing Counsel
with Mr.Mayank Ahuja, Adv. for SDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G M E N T

: **D. N. PATEL, Chief Justice (Oral)**

1. This writ petition has been preferred with the following prayers:-

“(a) pass a writ, order or direction in the nature of writ of declaration, declaring the act of the Respondent in not accepting and consequently processing the application of the Petitioner for sanction of building plans in terms of the policy for Low Density Residential Area as being illegal and arbitrary;

(b) pass a writ, order or direction in the nature of a writ of mandamus thereby directing the Respondent Corporation to accept and process the building plans with respect to the land of the Petitioner forming part of Khasra Nos. 721 (01-11), 722 (04-16) and 729 (04-16) admeasuring 11 bigha and 3 biswa, situated in Village Satbari, Tehsil Hauz Khas, Mehrauli, New Delhi, in terms of the Low Density Residential Area policy,”

2. Learned counsel for the petitioner submitted that the petitioner wanted to apply for approval of building plans as per the policy for Low Density Residential Areas and the said building plans are not being accepted by the respondent and hence, this writ petition has been preferred by the petitioner.

3. Learned counsel appearing for the respondent submitted that the policy for the Low Density Residential Areas for the property in question is yet to be finalised, therefore, they are not accepting any building plans under the said policy

4. This aspect of the matter that the policy for the Low Density Residential Areas is yet to be finalized is disputed by the petitioner mainly for the reason that the rates have already been finalized for the conversion charges for converting agricultural land to the land of Low Density Residential Areas. Moreover, necessary notification has also been published and it is alleged by the counsel for the petitioner that in pursuance of the policy for the Low Density Residential Areas, the conversion charges of Rs.65,00,000/- has already been paid by the petitioner to the respondent and hence a suitable direction be given to the respondent to accept the building plans of the petitioner and decide the same in accordance with law by the respondent.

5. In view of the aforesaid submissions and also looking to the facts that the petitioner has already deposited Rs.65 lakhs towards conversion charges for converting agricultural land to the Low Density Residential Areas over and above Rs.42,73,000/- paid towards regularization charges to the respondent.

6. We, therefore, direct the respondent to accept the building plans of the petitioner and take a decision of either sanctioning or rejecting the plans in

accordance with rules, regulations and Government policies applicable to the facts of the present case. If the respondent is rejecting the building plans presented by the petitioner, adequate opportunity of being heard will be given to the petitioner before rejecting the plans.

7. The respondent is directed to take a decision as aforesaid on the building plans of the petitioner as expeditiously as possible and practicable and preferably within a period of 12 weeks from the receipt of the copy of the order.

8. The contention of the respondent that the policy for the Low Density Residential Areas is yet to be finalized, is also kept open.

9. With these observations, this writ petition is disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

OCTOBER 10, 2019/ 'anb'