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

+ **W.P.(C) 9599/2017 & CM APPL. 42392/2017**

AJAY

..... Petitioner

Through: **Mr. Mohit Kush, Mr. Ajay and Ms.
Mercy Hussain, Advocates**

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondent

Through: **Ms. Jyoti Taneja, Standing Counsel
for R-1/NDMC.
Mr. T.S. Nanda, Advocate for R-2
with SHO P.S. Sadar Bazar SI Vijay
Pawar.
Ms. Shobhana Takiar, Advocate for
DDA.
Mr. R.K. Sharma, Advocate for L&B.**

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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12.01.2021

This hearing is conducted through Video Conferencing.

1. **This matter was heard on 28.02.2020 and an order was dictated in court. However, the order could not be signed as the office of this court misplaced the order. This fact escaped attention as within a few days**

Signature Not Verified

Signing Date: 21.10.2024 16:49:41
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

W.P.(C)9599/2017

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thereafter Lockdown was imposed and the staff has since then not been physically coming to the Court. On noticing the above fact the matter was fixed for directions today. The said order is now being released today.

2. This writ petition is filed by the petitioner seeking an appropriate direction to the respondents not to create any hurdle in the construction of the property being Khasra No. 295/1/1 situated at Gali Lallu Missar, Qutab Road, Sadar Bazar, Delhi. The case of the petitioner is that Smt. Lado Devi, great grandmother of the petitioner purchased two pieces of property in 1956. It is also pleaded that the property B was a lease hold property while property A was freehold property. The two properties have been used by the family. It is claimed that one neighbour has a grudge against the petitioner on account of which a writ petition No. 3853/2011 was filed regarding government land measuring about 30 x 20 which was lying vacant in Gali Lallu Missar, Qutab Road, Sadar Bazar, Delhi. The said writ petition was disposed of on 31.05.2011. A contempt was also filed against the petitioner.

3. It is also claimed that petitioner has applied online with respondent No.1 seeking building plan sanction for raising the construction on property B. The Petitioner filed all the requisite documents with the Respondent No. 1 and paid the requisite fee. The plan was sanctioned by respondent No.1 for property B. It is also claimed that the petitioner has applied for conversion from lease hold to freehold.

4. It is further stated that the petitioner started construction and a false complaint was made. The police stopped the ongoing construction. Hence, the present writ petition.

5. NDMC has filed a status report where it is stated that it appears that the petitioner has got sanctioned building plan under Saral scheme of the

respondent. It is further pointed out that one of the properties is a lease hold property and it is mandatory for the petitioner to get an NOC from the lessor. This NOC it is pleaded, has not been filed. Hence, it is claimed that sanction of the plan was by misrepresentation.

6. The DDA has filed an additional affidavit which is taken on record. As per the additional affidavit there is no requirement for NOC for construction from the lessor provided the plan is filed for use as specified in the lease deed.

7. Learned counsel appearing for the SHO namely respondent No.2 has pointed out that in the status report it has been stated that in the pending writ petition that was filed in 2011 directions were passed. Demolition was carried out by respondent No.1 of the property in question in the said writ petition. A perusal of the order of this Court in W.P.(C) 3853/2011 shows that it was disposed of with the directions to MCD/DDA to take appropriate action for unauthorised construction in the area.

8. The issue pertains to sanction of the building plan of the petitioner. Let the petitioner file with the respondent No.1 within three weeks from today, the entire set of papers including copy of his title papers, copy of the application for conversion from lease hold to freehold and all other connected papers to respondent No.1. Copy of the application for sanction of the plan with full details be also be filed with respondent No.1. Respondent No.1 may deal with the said application as per law within four weeks thereafter from the date of receipt. Respondent No.1 while dealing with the said application of the petitioner will take note of the status report filed by DDA and also filed by the SHO of the local area.

9. Nothing further survives in the petition. Petition is disposed of.

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10. Needless to say, if the petitioner is aggrieved by the order of the respondent No.1, he is free to take steps as per law.

W. Nath

JAYANT NATH, J

JANUARY 12, 2021

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