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

% Judgment delivered on: 10th March, 2022

+ W.P.(C) 3464/2022& CM APPL. 10152-53/2022

SMT. MADHU GUPTA Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Ankit Jain, Mohit Gupta, Mr. Vishal Saxena, Ms. Meenakshi Garg and Ms. Aayushi Jain, Advocates

For the Respondents: Mr. Ajjay Arora, Standing Counsel with Mr. Kapil Dutta, Standing Counsel for NDMC (through VC)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Petitioner impugns the order dated 16.06.2021 passed under Section 344(2) of the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the MCD Act) consequent to order dated 03.02.2021 passed under Section 338 of the MCD Act revoking the sanction granted to the petitioner for raising the construction.

2. Learned counsel for the petitioner submits that respondent has erred in not appreciating that the earlier order of sanction was



superseded by a subsequent sanction which has not been taken into account.

3. Learned counsel submits that none of the grounds mentioned in the order of revocation would be available in view of the fact that a second sanction was granted. He submits that respondent has not even considered any of the representations of the petitioner. He accordingly, submits that petitioner shall give a detailed representation to the respondent and prays that respondent be directed to consider the same.

4. Learned counsel for the respondent submits that the orders impugned herein are appealable and petitioner should exercise the remedy of an appeal. He however, submits that if any representation is made same shall be considered in accordance with law.

5. Learned counsel for the petitioner submits that order is erroneous on the face of it because the second sanction has not been considered.

6. In view of the above, this petition is disposed of giving liberty to the petitioner to give a detailed representation to the respondent. Respondent shall consider the representation in accordance with law and also grant an opportunity of personal hearing to the petitioner.



7. In case Petitioner is still aggrieved by the decision of the Respondent Corporation on her representation, she would be at liberty to impugn the orders, impugned herein, before the appropriate forum in accordance with law.

8. The respondent shall dispose of the representation of the petitioner expeditiously preferably within a period of three weeks of the receipt of the same.

9. Petition is disposed of in the above terms.

10. It is clarified that this Court has neither considered nor commented upon the merits of the contentions of the either parties.

MARCH 10, 2022
'rs'

SANJEEV SACHDEVA, J

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