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

+ **W.P.(C) 4972/2024**

MUNESH KUMAR JAIN

..... Petitioner

Through: Mr. Kunal Tandaon, Mr. Saurabh D.
Karan Singh and Mr. Ishan Jain,
Advs.

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER & ORS.**

..... Respondents

Through: Mr. Rohit Katuria, Adv. for R-1
/MCD (through v/c)
Mr. Abhinav Garg, Panel Counsel and
Mr. Nishant Goyal, Advs. for R-
2/GNCTD (through v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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05.04.2024

CM APPL.20361/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4972/2024

1. The present petition has been filed by the petitioner seeking that the respondent no.1/MCD be directed to remove the property in question [viz. property bearing No.B-103, Pushpanjali Enclave, New Delhi-110034] from the list of properties booked for unauthorized construction.
2. The aforesaid property is stated to have been booked for unauthorized construction sometime in the year 2005. However, the unauthorized



construction is stated to have been removed by the petitioner on its own thereafter. The building that is stated to be constructed on the property in question is stated to be in accordance with the sanction plan and in conformance with the applicable building bye-laws.

3. Notwithstanding however, the property continues to be displayed by the MCD on its website as an “unauthorized construction booked property”.

4. Learned counsel for the petitioner submits that an application has been submitted by the petitioner vide letter dated 22.03.2024, which states as under:

*“The Assistant Engineer (Bldg.)/Deputy Commissioner (Bldg.)
Municipal Corporation of Delhi
Keshav Puram Zone,
Keshav Puram, Delhi.*

Sub:- Request to close the case of unauthorized construction and delete the booking number from the list of Unauthorized construction in respect of property no.B-103, Pushpanjali Enclave, Pitampura, Delhi.

Reference No.: 290/B/UC/RZ/05 dated 12.07.2005.

Dear Sir,

Please refer to the above mentioned subject. In this regard it is stated that the above mentioned property was booked under unauthorized construction vide no. 290/B/UC/RZ/05 dated 12/07/2005.

The above mentioned property has been entirely demolished by me.

So, it is my request to close the case of unauthorized construction against my property and also delete the property no. B-103, Pushpanjali Enclave, Pitampura, Delhi from the online list of unauthorized construction, as early as possible.

Thanking you,

*Yours faithfully
-sd-*



*Munesh Kumar Jain
B-69, C.C. Colony,
Opp. Rana Pratap Bagh, Malka Ganj, Delhi.
Dated: 22.03.2024.”*

5. Learned counsel for the petitioner submits that grave prejudice is being caused to the petitioner as a result of the petitioner’s property being continued to be reflected as an “unauthorized construction booked property”. It is submitted that a sale deed has been executed in respect of the property in question and owing to the property being reflected as having been “booked for unauthorized construction”, the concerned Sub-Registrar is expected to put a “red-mark” on the registered sale deed, as per the circular guidelines by the Inspector General of the registration department of GNCTD, which *inter-alia* contains the following stipulation:

*“Clause 19
PROPERTIES BOOKED BY MCD AS UNAUTHRORIZED.*

In pursuance of the Order No.F-36/(07)/Coordn/Div.Com/07/613-620 dated 13.04.2015 issued by the then Divisional Commissioner, by the Order and in the name of the Lieutenant Governor of Delhi, mentioning specific direction of Hon’ble High Court of Delhi in the Writ petition (CWC No.4582/203) titled Kalyan Sanstha Social Welfare Organisation & Ors. Vs. UOI & Ors. The Sub-Registrars will use the details of all booked properties provided by the Municipal Corporation of Delhi and it shall be the duty of the Sub-Registrar to mention the details of the fact that the building is unsafe or has unauthorized construction at the time of registration of transactions relating to immoveable property.

That the registration of transactions relating to immovable property shall not debar any action to enforce provisions of any law, including prevailing building a byelaws/structural safety norms, and that timely action against unauthorized construction/unsafe buildings shall be taken by the law enforcement agencies/authorities concerned as per law.”



6. It is submitted that the above would be gravely prejudicial to rights of the petitioner inasmuch as no unauthorized construction actually subsists in the property.

7. After some hearing, learned counsel for the MCD, who appears on advance notice submits that the property in question shall be inspected within a period of one week and a reasoned order on the petitioner's aforesaid application dated 22.03.2024 shall be passed within a period of four days thereafter. Needless to say, if no unauthorized construction is found to be subsisting, the MCD shall forthwith remove the property in question from the aforesaid list of properties "booked for unauthorized construction".

8. Learned counsel for the respondent no.2 i.e. the office of Sub-Registrar, VI-C, Rohini, North West District, Palik Bhawan Road, Block-B, Sector-13, Netaji Nagar, New Delhi-110023, submits that the concerned Sub-Registrar shall await the order of the MCD before completing formalities for registration of the sale deed qua the property in question.

9. With the aforesaid directions, the present petition is disposed of.

SACHIN DATTA, J

APRIL 5, 2024/cl