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

+ **W.P.(C) 6455/2024, CM APPL.26882/2024**

MAHESH KUMAR MITTAL

..... Petitioner

Through: Mr. Sunil Dalal, Sr. Adv. alongwith
Mr. Jai Raj Yadav and Mr. Nikhil
Beniwal, Adv.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Mr. Vansh Luthra and Ms. Simran
Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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06.05.2024

**CMAPPL.26881/2024 (Exemption from filing certified copies of annexures
and dim annexures)**

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 6455/2024

1. The present petition assails a notice/communication dated 01.05.2024, whereby, the application filed by the petitioner seeking regularization of the construction in property bearing Plot No.1169, Khasra No.33/7/2, Palam, Delhi-1100045, has been rejected. The said notice reads as under :-

"No. EE(B)NGZ/24/D-32

Dated: 01/05/2024

*Sh. Mahesh Kumar Mittal,
Plot out of Khasra No. 33/7/2,
Mohalla Badiyal, Palam Village,
New Delhi*

*Sub:- Regarding regularization of property Kh. No. 33/7/2, Mohalla
Badiyal, Palam Village, New Delhi.*



Sir/Madam,

With reference to the above cited subject, which was received in this office through Speed Post vide Dy. No.05/Reg. dated 01.05.2024. In this context, it is informed that you have not deposited the processing fee for regularization of the above said property. Hence, the said case of regularization is not considered and hereby rejected.

*Asstt. Engineer (Bldg.)
Najafgarh Zone*

Copy to:

- 1 EE(B)NGZ for kind information please.*
- 2 Sh. Mandeep Saini (Ph. No.9999475483) RZ
F-22, Mahavir Enclave*
- 3 Office Copy*

*Sd/-
Asstt. Engineer (Bldg.)
Najafgarh Zone”*

2. Learned senior counsel for the petitioner submits that the order has been passed without any advance intimation to the petitioner. He submits that the petitioner has always been agreeable to deposit the requisite charges/processing fee in respect of the regularization application submitted by him.

3. It also transpires during the course of hearing that substantial demolition action has already been taken *qua* the property in question and the remaining portion of the property in question is presently sealed.

4. After some hearing, learned senior counsel for the petitioner and learned counsel for the respondent/MCD are in agreement that upon a fresh application seeking regularization being submitted by the petitioner along with all necessary charges and documentation, the same shall be duly considered, processed and disposed of by the respondent/MCD, within a period of eight (08) weeks from the date of submission thereof. It is directed accordingly.



5. Learned senior counsel for the petitioner submits that a fresh application seeking regularisation shall be submitted within a period of one week from today, along with all documentation and processing charges *etc.*, as may be applicable. The said statement is taken on record.

6. Let the respondent/MCD afford an opportunity of hearing to the petitioner prior to the disposal of the regularisation application. It is further directed that till the conclusion of the aforesaid exercise, *status quo* shall be maintained with regard to the property in question.

7. The present petition, along with pending application/s, is disposed of in the above terms.

8. Let a compliance affidavit in this regard be filed within a period of ten (10) weeks from today.

9. Needless to say, if the petitioner is aggrieved by the outcome of the aforesaid exercise, he shall be entitled to avail appropriate legal remedies, in accordance with law.

SACHIN DATTA, J

MAY 6, 2024/r