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

+ **W.P.(C) 6559/2024 & CM APPL. 27320-27321/2024**

DAVINDER SINGH SURI AND ANR

..... Petitioners

Through: Mr. Manish Bhardwaj, Mr. Pradyot
Pravash, Advocates

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

..... Respondents

Through: Mr. Umakant Mishra, ASC, with Mr.
Avinash Shukla and Mr. Aakash
Gupta, Advocate for R-1/MCD
Ms. Manika Tripathy, Standing
Counsel, DDA with Mr. Rony John,
Advocate
Mr. Rakesh Wadhwa, Mr. Manish
Gandhi and Mr. Sahil Sharma,
Advocates for R-3

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **08.05.2024**

1. Present public interest petition has been filed seeking stay of the construction illegally carried out on plot bearing number WZ 66, Khasra No. 26/4/2/2 Khata Khatoni No. 18/18 Min Village Keshopur, Manohar Nagar, New Delhi. The Petitioners further prays to declare the sanction letter dated 11th April, 2019 File Number 10059227 and sanction letter dated 12th February, 2019 for the aforesaid property as void and illegal.
2. Learned counsel for the Petitioners states that the Petitioners had filed a civil suit bearing no. CS SCJ/681/2023 to declare the construction on the



said property being carried out by Respondent No. 3 as unauthorized and illegal, and to demolish the same. Vide judgment dated 18th September, 2023 passed by the learned Civil Judge, West, Tis Hazari Courts, Delhi, the said suit was dismissed on the ground of lack of maintainability in light of Section 347E of the Delhi Municipal Corporation Act, 1957 ('DMC Act'). It was further noted that the issue as to whether the sanction plan has been validly granted to the Respondent No. 3 or granted in collusion amongst the Respondents, ought to be adjudicated before the competent authority under the DMC Act.

3. He states that, thereafter, the Petitioner No. 1 sent a complaint dated 04th December, 2023 under Sections 338, 333, 334 and 335 of the DMC Act to the Commissioner, MCD challenging the site plan and sanction plan granted in respect of the subject property, followed by various reminders dated 27th December, 2023 to Respondent Nos. 1 and 2. He, however, states that the Petitioner No.1 did not receive any reply with regard to the same.

4. This Court is of the view that any person who is aggrieved by grant or disallowance of sanction to a layout plan is entitled to file an appeal before the learned Appellate Tribunal, MCD in terms of section 347B read with Section 347E of the DMC Act which bars the jurisdiction of Civil Courts.

5. Since the Petitioner has an alternate and effective remedy, this Court disposes of the present writ petition giving liberty to the Petitioner to file appropriate proceedings in accordance with the DMC Act.

6. In the event, an appeal is filed under Section 347B read with Section 347E of the DMC Act within two weeks, the same shall not be dismissed on the ground of delay and limitation.



7. The rights and contentions of all the parties are left open. Pending applications are disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 8, 2024/msh