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

+ W.P.(C) 9272/2021, CM APPL. 28830/2021, CM APPL. 33717/2023

RAJKUMAR

.....Petitioner

Through: Mr. Deepanshu Choithani, Mr.
Mayank Pachauri, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Siddhant Nath, SC with Mr.
Sarthak Bhardwaj, Mr. Bhavishya
Makhija, Advocates for MCD.
Mr. Nakul Ahuja, Advocate for Mr.
Anish Dhingra, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.12.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, for the following reliefs:

“A. Pass/issue necessary Order(s), Writ(s) or direction(s) thereby quashing clause 3.3 of the “Regulations for enabling the planned Development of Privately Owned Lands” published in the official Gazette vide notification dated 04.07.2018 by the Delhi Development Authority being ultra vires of the building bye laws, Master Plan of Delhi and Article 14, Article 19, Article 21, 300A of Constitution of India.

AND

B. Pass/issue necessary Order(s) or direction(s) thereby remitting the case of the Petitioner decided by the standing Committee of Respondent no. 3 vide resolution number 50 dated 30.08.2019 with a direction, to decide the Application submitted by the Petitioner under section 312-313 of DMC Act registered vide diary no. 2632 dated 11.06.2018 for incorporating the subject land i.e., D-246, Central Block, Dilshad Garden, Delhi-110095 in the approved layout plan of Dilshad Garden,



without seeking NOC from DDA and without applying clause 3.3 of the “Regulations for enabling the planned Development of Privately Owned Lands”– published in the official Gazette vide notification dated 04.07.2018 by the Delhi Development Authority.

AND

C. Pass/issue necessary Order(s) or direction(s) thereby directing the Respondent no. 3 to regularise the existing structure on the subject property i.e., D-246, Central Block, Dilshad Garden, Delhi-110095, falling under the group housing scheme of DDA.

D. Pass any other Order as this Hon’ble Court may deem fit and proper in view of the facts and circumstances of the present Case.”

2. By order of the Division Bench dated 14.07.2022, prayer ‘A’ of the petition was not pressed, and the matter was, therefore, transferred to the Court of the Single Judge.
3. During the pendency of the writ petition, learned counsel for the petitioner states that the Regulations made by the Delhi Development Authority entitled “*Regulations for Enabling the Planned Development of Privately Owned Lands*”, have come into effect, and the petitioner has made an application for incorporation of his property under the said notification. That application is pending with the Municipal Corporation of Delhi [“MCD”].
4. In view of the above, the rights and remedies of the petitioner will now be governed by the order to be passed by MCD on the aforesaid representation, and the reliefs sought in this writ petition do not survive.
5. The only remaining issue is that, upon incorporation of the plot, if granted by the respondent authorities, the petitioner’s application for regularization of the existing structures of his property would have to be considered.
6. Learned counsel for the petitioner submits that the petitioner has been



protected from coercive action by the order dated 06.07.2023, subject to filing of an undertaking that he will maintain *status quo* with regard to construction on the property and will not create any third-party interest therein. The undertaking has been filed in terms of this order on 10.07.2023.

7. In view of the above, the writ petition is disposed of with the observation that the rights and contentions of the parties will be governed by the disposal of the petitioner's application made under the aforesaid Regulations. Until disposal of the application, no coercive action will be taken in respect of the structures on the petitioner's property, but the petitioner will remain bound down to the affidavit of undertaking filed by him on 10.07.2023.

PRATEEK JALAN, J

DECEMBER 17, 2024

'Bhupi/JM' /