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

+ **W.P.(C) 6828/2024**

RAJ KUMAR

..... Petitioner

Through: Mr. Krishan Kumar, Adv. along with
petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI & ANR..... Respondents

Through: Mr. Arjun Mahajan, SC along with
Mr. Apoorv Upmanyu and Mr.
Rishabh Bhalla, Advs. for R-1/MCD.
Mr. Mohit Bhardwaj, Adv. for R-
2/SHO, PS Keshav Puram, Delhi
Police.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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13.05.2024

CM APPL.28494/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 6828/2024

1. The present petition has been filed by the petitioner seeking that the respondent/MCD be restrained from withholding/revoking the sanction plan obtained by the petitioner in respect of the property bearing No.231, Ram Pura Village, forming part of Khasra No.52/30, in the erstwhile revenue estate of Village Shakur Pur, Delhi-110035.

2. Learned counsel for the petitioner submits that the application for sanction of building plan was submitted along with other documents on 04.04.2023. It is stated that the sanction was sought on the basis of a



Circular dated 20.06.2012 which is applicable to “Sanction of Building Plans in Village Abadi Area”. The said circular also refers to a pre-existing circular dated 28.09.2011. Learned counsel for the petitioner submits that the application submitted by the petitioner for sanction of building plan, was in compliance with the requirements set out in the said circulars.

3. Learned counsel for the petitioner submits that despite the same, *vide* notices dated 28.11.2023 and 04.01.2024, the respondent/MCD has sought to allege that the application of the petitioner was not in order inasmuch as the same was not accompanied by requisite ownership documents. The notice dated 04.01.2024 reads as under:

“No.D/EE(B)-II/KPZ/2023-24/39

Date: 04.01.2024

Sub: Regarding supply of documents as mentioned below in respect of property No.231, Rampura Village, out of Kh. No.52/30, Delhi.

A building plan was sanctioned in the name of Sh. Raj Kumar of Property No.231, Rampura Village, out of Khasra No.52/30, Delhi vide No. 10115648 dated 31.05.2023 by the Architect Sh. Madhu Morray. While scrutinizing the case, the file was referred to the Town Planning Department/MCD. The file was returned back with the comments that: “.....Bldg. Deptt. is also required to provide comments as to whether the single entity of plot u/r is prior to cut of date i.e. 08.02.2007.....”

In view of the above, you are kindly requested to make it convenient to supply the document(s) reflecting the single entity of plot prior to the cut of date i.e. 08.02.2007 of above said property within three days of receipt of this letter so that the case could be process further.

-Sd-

*Assistant Engineer (Bldg.)-II
Keshav Puram Zone.*

*Sh. Raj Kumar,
Property No.231,
Rampura Village,
Out of Khasra No.52/30,
Delhi-110035.”*



4. Learned counsel for the petitioner submits that reference to the cut-off date *i.e.*, 08.02.2007 in the notice dated 04.01.2004 is at variance with the applicable circular regarding sanction of building plans in village abadi areas. It is therefore apprehended that the sanction plan of the petitioner shall be withheld/revoked on specious grounds.
5. After some hearing, respective counsel for the parties are in agreement that the MCD shall grant an opportunity of hearing to the petitioner before taking any further action, pursuant to notices dated 28.11.2023 and 04.01.2024 with regard to the sanctioned building plan of the petitioner. The petitioner shall be entitled to take all relevant pleas and also produce his ownership documents with regard to the property in question.
6. In case any deficiency is pointed out by the respondent regarding the petitioner's application seeking sanction of building plans, the petitioner shall be afforded an opportunity to make good such deficiency.
7. Let a hearing be afforded to the petitioner within a period of two weeks from today and a speaking order be passed within four weeks thereafter.
8. With the aforesaid directions, the present petition is disposed of.

SACHIN DATTA, J

MAY 13, 2024