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

+ W.P.(C) 8089/2024, CM APPL. 33308/2024 & CM APPL. 33309/2024

ANN RAJ NARAIN AND ANRPetitioners

Through: Mr. Rajesh Yadav, Sr. Adv. with
Mr. Amit Jain and Mr. Arun Dalal,
Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI AND ORS

.....Respondents

Through: Mr. Kapil Dutta, Mr. Vansh Luthra
and Mr. Nitish Dubey, Advocates
for R-1.

Mr. Febin Mathew Varghese, Mr.
Dhiraj Philip and Ms. Achalika
Ahuja, Advocates for R-6.

Mr. Varun Goswami, Mr.
Vansmani Tripathi and Ms.
Maryam Junaid, Advocates for R-
10.

Si Jaipal Singh, PS Kotwali, Delhi.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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02.12.2024

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

“1. Issue a writ, order or directions in the nature of mandamus or other appropriate orders thereby directing/declaring the sanction plan issued by the Respondent No. 1 vide file No. 10076296 dated 10.08.2020 as illegal and being contrary to and in violation of Unified Building Bye Laws 2016, as the same has been issued by the Respondent No.1 without seeking/obtaining the approval from Respondent No. 6 and consequently declare that the Heritage Haveli



has been illegally demolished and reconstructed as commercial building and thus liable to be demolished; and/or

2. Issue a writ, order or directions in the nature of mandamus thereby directing the Respondent No. 6 to 9 for restoring and reconstructing the heritage structure at property bearing No. 944, Maliwara, Delhi-110006 to its original state as was existing on 29.07.2016, following the design principles, architectural form and style as well as facade details in accordance with Clause 2.3 and Annexure-II of the Unified Building Bye-Laws for Delhi 2016 with their own funds and recover the same from Respondent No. 10; and/or

3. Issue a writ in the nature of Mandamus or appropriate order or direction for initiating enquiry against erring officials of the Respondent No. 1 to 4, for deliberately circumventing the provisions laid down under Unified Building Bye Laws and illegally granting sanction dated 10.08.2020 with respect to erect/re-erect/add-to/alteration at Plot bearing no. 944, Maliwara, Delhi-110006; and/or pass directions for appropriate action against Respondent No.1 to 4; and/or

4. Issue a writ in the nature of Mandamus or appropriate order or direction for initiating enquiry against erring officials of the Respondent No.6, 7, 8 and 9 for their failure to discharge their duties with respect to preservation and conservation of notified Heritage Haveli bearing no. 944, Maliwara, Delhi-110006; and/or pass directions for appropriate action against Respondent No.6 to 9; and/or

5. Issue an appropriate direction or order for initiation of penal actions as envisaged under Annexure-II of the Unified Building Bye-Laws, 2016 against Respondent No. 10; and/or pass directions for appropriate action against Respondent No. 10; and/or

6. Issue a writ in the nature of Mandamus or appropriate order or direction thereby directing the Respondent No.1 to 9 to discharge their duties envisaged under the Delhi Municipal Act, Unified Building Bye-Laws, 2016 and other relevant laws enacted for protection, preservation and conservation of the heritage structure in Delhi; and/or pass directions for registration of First Information Report by the concerned agencies for proper investigation; and/or

7. Issue any other appropriate writs, orders or directions are deemed fit and proper in the facts and circumstances of the case, in favour of the petitioner and against the respondents.”

2. As all the petitioners' reliefs flow from a challenge to the validity of a sanctioned building plan dated 10.08.2020, issued by the Municipal Corporation of Delhi [“MCD”], which is an appealable order under



Section 347B of the Delhi Municipal Corporation Act, 1957. Mr. Rajesh Yadav, learned Senior Counsel for the petitioner, therefore, seeks permission to withdraw the present writ petition, with liberty to approach the Appellate Tribunal for Municipal Corporation of Delhi [“ATMCD”] against the said sanctioned plan.

3. Mr. Yadav further submits that the petitioners be permitted to take appropriate proceedings for the other reliefs sought, in the event his appeal succeeds.

4. The petition, alongwith the pending applications, is disposed of as withdrawn with liberty as aforesaid.

5. It is made clear that this Court has not entered into the controversy on merits. All rights and contentions of the parties are left open for consideration by the ATMCD.

PRATEEK JALAN, J

DECEMBER 2, 2024

‘bh/AD’/