



\$~59

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

+ W.P.(C) 15908/2024

S. AMARJEET SINGHPetitioner

Through: Mr. Sanjeev Manchanda, Advocate

versus

MUNICIPAL CORPORATION

OF DELHI & ANR.Respondents

Through: Ms. Sunieta Ojha, Advocate

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **18.11.2024**

1. The petitioner has approached this Court under Article 226 of the Constitution, against a decision of the Municipal Corporation of Delhi ["MCD"] dated 06.01.2022, by which his application for sanction of an alteration plan, in respect of an immovable property at *property bearing No. F-8, Village Basai Darapur, Rajouri Garden, New Delhi – 110027*, was rejected.

2. It may be mentioned at the outset that the rejection of an application for sanction is appealable to the Appellate Tribunal for MCD under Section 347B of the Delhi Municipal Corporation Act, 1957. The petitioner has not availed of that remedy, but, in fact, has filed this petition, two years and 10 months after the impugned order.

3. Mr. Sanjeev Manchanda, learned counsel for the petitioner, seeks to rely upon an order dated 30.04.2024 passed by this Court in W.P.(C) 5907/2024 [*Nitin Jolly V. Municipal Corporation of Delhi & Anr.*], which according to him was passed in similar circumstances. By the said order,



the petitioner therein was permitted, on consent, to seek fresh sanction of a building plan, which would be considered by the MCD in light of a judgment of this Court in *Sanjeev Malhotra V. MCD* [2022 SCC Online Del 1981]. In the event of rejection of the application, the petitioner therein was granted liberty to avail appropriate remedies in accordance with law.

4. Mr. Manchanda states that he would be satisfied with a similar order, permitting him to file a fresh application for sanction before the MCD, which would be considered in accordance with law, failing which he will avail the appropriate statutory remedy.

5. As far as the aforesaid submission is concerned, it is unexceptionable. However, Ms. Sunieta Ojha, learned counsel for MCD, who appears on advance notice, submits that the judgment in *Sanjeev Malhotra* (supra.) relied upon by the petitioner is pending in appeal before the Division Bench in LPA 591/2023.

6. In view of the limited relief sought by the petitioner, it is not necessary for this Court to examine the aforesaid aspect, at this stage. If the petitioner makes a fresh application for sanction, MCD is free to take a decision in accordance with law, subject to the available appellate remedy.

7. The writ petition is disposed of with the above directions.

PRATEEK JALAN, J

NOVEMBER 18, 2024/‘SV/AD’/