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

+ W.P.(C) 16339/2024
SINDHU JHA

.....Petitioner

Through: Mr. Praveen Suri, Mr. Sagar
Nandwani, Advocates
[9810928188].

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS.

.....Respondents

Through: Mr. Tushar Sannu, SC for MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.11.2024

CM APPL. 68980/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 16339/2024 & CM APPL. 68981/2024 (stay)

1. By way of this petition under Article 226 of the Constitution, the petitioner assails a show cause notice dated 13.11.2024, issued by the Deputy Commissioner, Municipal Corporation of Delhi ["MCD"], under Section 338 of the Delhi Municipal Corporation Act, 1957 ["the Act"].
2. The petitioner applied for sanction of a building plan under the 'Saral' Scheme of the Unified Building Byelaws for Delhi, 2016, through a licensed architect, structural engineer, and supervisor.
3. By the impugned show cause notice, MCD has contended that, on



an examination of the documents uploaded with the application, it has been found that the sanction has been obtained under misrepresentation, concealment of material facts, or false statements given by the owner and the professionals. The petitioner, and her architect and structural engineer have therefore been called upon to show cause as to why action may not be taken in respect of their licenses and the sanction.

4. The petitioner has replied to the show cause notice on 21.11.2024, and the matter remains pending before MCD.

5. In these circumstances, I see no reason to entertain the writ petition at this stage. Section 338 of the Act provides for the cancellation of a sanction in the circumstances enumerated therein, including material misrepresentation of fraudulent statement given by the applicant. The petitioner has already responded to the show cause notice. She will have liberty to pursue the appellate remedy provided under Section 347B of the Act in the event an adverse order is ultimately passed.

6. For the reasons aforesaid, the writ petition, alongwith the pending application, is dismissed, without prejudice to the contents of the reply filed to the show cause notice.

PRATEEK JALAN, J

NOVEMBER 26, 2024

“Bhupi/JM”/