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

+ **W.P.(C) 493/2025**

VIKAS KHATRI AND ANR

.....Petitioners

Through: Mr. Rakesh Tikku, Senior Advocate
with Mr. Monu Kumar, Mr. Ashwani Kumar,
Mr. Gajinder Panwar and Mr. Subham Singhal,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Tushar Sannu, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

25.02.2025

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1. This writ petition is preferred on behalf of the Petitioners for a direction to MCD to issue/renew the Health Trade License of the Petitioners for operating a guest house in property bearing Plot No. 80/9/A, total area measuring 2317.617 sq. yds. situated at JNU Road, Village Kishangarh, Mehrauli, New Delhi.

2. During the course of hearing, counsel for MCD submits that Petitioners have not made an application for Health Trade License in their names and therefore, the license cannot be granted. Responding to this submission, Mr. Tikku, learned Senior Counsel appearing on behalf of Petitioners submits that Petitioners have made an application in their own names on the online portal of MCD on 24.02.2025 and the application stands registered successfully and therefore, this is no more an impediment



in the way of the Petitioners for their case to be processed for grant of license.

3. This writ petition is accordingly disposed of with a direction to MCD to process the application of the Petitioners for grant of Health Trade License for running a guest house in the subject property. Needful shall be done within a maximum period of 40 days as mandated under Electronic Service Level Agreement (ESLA).

4. Be it noted that during the course of hearing, Mr. Tiku had also drawn the attention of the Court to an order passed by the Judicial Committee on 27.03.2023, wherein according to the learned Senior Counsel the Committee has observed in favour of the Petitioners that there is no encroachment. Relevant observations of the Judicial Committee are as follows:-

“8. Treating the requirement of the width of the carriageway to conform to law as settled by the Division Bench of the Hon'ble Delhi High Court, treating the width of the Central Median to be 1 meter, the metalled portion of both carriageways to be 10 meters, the width of the footpaths to be 2.50 meters and the green belt area in the North to be 4 meters, since we are confronted with the properties on the Northern side, the inspection report reveals that the 2 properties are much beyond (further North) of what would be the Northern boundary of the green belt towards the North.

9. Thus, the 2 properties which are subject matter of the two appeals bearing Municipal Nos. 80/9/A comprised in Khasra No. 1674 in the revenue estate of Mehrauli (Village Kishangarh) and 20A comprised in Khasra No. 1234 in the revenue estate of Mehrauli (Village Kishangarh) are directed to de-sealed forthwith.

10. We make it clear that this Committee has decided the limited issue which was the cause of the sealing i.e. the allegation that the appellant had encroached upon a public space being the carriageway which we have referred to in para 2 above. What is the permissible land use? Whether the property is being misused? Those issues have not been decided because the property has been sealed on the singular reason of being an encroachment.”



5. In light of the observations of the Judicial Committee, it is further directed that while processing the application of the Petitioners, MCD will take into consideration the observations made in the order dated 27.03.2023 as also any other judicial order passed in any pending writ petition(s).

6. In case of any surviving grievance, Petitioners will be at liberty to take recourse to legal remedies.

JYOTI SINGH, J

FEBRUARY 25, 2025

B.S. Rohella/shivam