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

+ **W.P.(C) 3836/2020 & CM APPL. 13736/2020**

ANOOP KUMAR SARAFF

.....Petitioner

Through: Mr. Gurpreet Singh and Mr. C. B.
Bansal, Advs.
M: 9891894030

versus

**EAST DELHI MUNICIPAL CORPORATION &
ANR.**

.....Respondents

Through: Mr. Manu Chaturvedi, SC for MCD
M: 9315827955
Email: manuchaturvedi@gmail.com
Mr. Rohit Jain, Adv. for R-2
(Through VC)

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
28.03.2025

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1. The present petition has been filed seeking direction to restrain the respondent no. 1 from processing the application by respondent no. 2 seeking the conversion of the property, i.e., *G-19, Preet Vihar, Vikas Marg, New Delhi*, from residential to commercial use for opening of a jewellery showroom.

2. On last date of hearing, i.e., on 25th March, 2025, this Court had noted as follows:

“xxx xxx xxx

2. *Learned counsel appearing for the Municipal Corporation of Delhi (“MCD”), draws the attention of this Court to the order dated 01st July,*



2020, wherein, it is clearly stated that in another proceedings bearing CS(OS) 161/2019, pending between the parties, i.e., the petitioner and respondent no.2, an order dated 08th July, 2019, has been passed in I.A. 8932/2019, wherein, it is clearly recorded that the nature of the said property, i.e., the property which is subject matter of the present petition, shall not be changed.

3. Considering the aforesaid, this Court is of the view that the present petition can be disposed of on the basis of the said order, as the aforesaid order dated 08th July, 2019, passed by this Court in CS(OS) 161/2019, categorically bars the parties before this Court, to change the nature of the property. Thus, there is no question of granting conversion by the MCD from 'residential' to 'commercial' in violation of the Court's order.

xxx xxx xxx”

3. Today, learned counsel appearing for the petitioner submits that in view of what has been recorded in the order dated 25th March, 2025, the present petition can be disposed of, since the Municipal Corporation of Delhi (“MCD”), is not proceeding any further with regard to change in the use of the property from residential to commercial.
4. Mr. Rohit Jain, learned counsel appearing for respondent no. 2 submits that there is no application which is pending before the MCD, as of today for seeking conversion of property from residential to commercial.
5. Learned counsel appearing for the MCD also submits that as to the best of his knowledge, no such application is pending before the MCD.
6. In view therefore, it is clarified that as and when such application is filed before the MCD, the MCD would be at liberty to decide such application on its own merits, in accordance with law.
7. In case the petitioner has any grievance as regards any decision that may be taken by the MCD, the petitioner is at liberty to seek its legal remedies.



8. It is clarified that this Court has not expressed any opinion on the merits of the case as regards the entitlement or legality for usage of the property in question, for commercial use.

9. In view of the aforesaid, the present petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

MARCH 28, 2025/kr