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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7951/2025, CM APPL. 34962/2025 & CM APPL.
34963/2025
OM PRAKASHPetitioner

Through: Mr. Rajat Wadhwa, Mr. Sahil, Mr.
Vinod, Mr. Gurpreet Singh, Mr.
Manish, Advs.
Mob: 7838276040
Email: sahilkakkar@gmail.com

versus

MUNICIPAL CORPORATION OF DELHIRespondent
Through: Mr. Tushar Sannu, SC for MCD with
Mr. Shivam, Advocate

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
29.05.2025

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1. The present petition has been filed seeking appropriate directions against the action of the respondent to revoke the Sanctioned Building Plan which had been accorded to the petitioner's property, i.e., property bearing no. WZ-29, Plot No. 47, New No. A-73, Village Tihar, New Delhi.
2. Learned counsel appearing for the petitioner submits that the impugned order dated 15th May, 2025, issued by the Office of the Deputy Commissioner, West Zone, Municipal Corporation of Delhi ("MCD"), passed under Section 338 of the Delhi Municipal Corporation Act, 1957 ("DMC Act"), thereby, revoking the sanction of building plan dated 15th



March, 2024, accorded to the petitioner through online mode under the *Saral Scheme* without following the Principles of Natural Justice, and without affording a fair and reasonable opportunity to the petitioner to present his case.

3. Learned counsel appearing for the petitioner candidly admits that the Show Cause Notice dated 08th April, 2025, was issued by the respondent-MCD. However, he submits that since the petitioner had submitted all the requisite documents to his architect, the architect failed to file any reply before the respondent-MCD.

4. Thus, he submits that in the absence of any reply by the petitioner, the impugned order dated 15th May, 2025, has been passed.

5. Issue notice.

6. Since none appears for the respondent-MCD, Mr. Tushar Sannu, learned counsel, who is present in Court, is requested to appear in the present matter.

7. Learned counsel appearing for the respondent MCD submits that though he does not have a copy of the file in question, however, considering the nature of the disputes between the parties, an appeal before the Appellate Tribunal MCD (“ATMCD”), shall be maintainable.

8. At this stage, learned counsel appearing for the petitioner submits that he may be provided an opportunity to file a reply to the Show Cause Notice dated 08th April 2025, in order to bring forth all the facts before the concerned officer of the MCD.

9. Considering the submissions made before this Court, liberty is granted to the petitioner to make a representation to the Deputy Commissioner, West Zone, MCD.



10. Upon a receipt of the representation from the petitioner, the Deputy Commissioner, West Zone, MCD, may consider the case of the petitioner, in accordance with law.
11. The MCD may grant an opportunity to the petitioner to file a reply to the Show Cause Notice dated 08th April 2025. Further, the petitioner shall also be granted an opportunity of hearing.
12. It is clarified that the aforesaid direction has been given, without going into the issue as regards whether the petitioner had indeed instructed the architect to file reply, and whether the said reply was not filed by the architect, despite direction from the petitioner.
13. Considering the representation of the petitioner, the order dated 15th May, 2025, issued by the office of the Deputy Commissioner, West Zone, MCD, shall be kept in abeyance.
14. With the aforesaid direction, the present petition along with the pending applications, is accordingly, disposed of.

MINI PUSHKARNA, J

MAY 29, 2025/neha