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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12781/2025, CM APPL. 52189/2025 & CM APPL.
52190/2025

SMT SINDHU JHA

.....Petitioner

Through: Mr. Dilip Singh, Mr. Shivnath
Kumar, Advocates along with
petitioner (M:9873198385)
Email:adv.shivnath@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI THROUGH
COMMISSIONER & ANR.Respondents

Through: Ms. Vasu Singh, ASC on behalf of
MCD
(M: 9312236133)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **22.08.2025**

1. The present writ petition has been filed by the petitioner being aggrieved by the order dated 09th May, 2025, passed by the Deputy Commissioner, Municipal Corporation of Delhi ("MCD"), Karol Bagh Zone, under Section 338 of the Delhi Municipal Corporation Act, 1957 ("DMC Act"), whereby, the Deputy Commissioner has revoked the sanction of the building plan, with respect to the property bearing no. 3335, Kh. No. 405/400/7, Ranjit Nagar, New Delhi-110008.

2. Learned counsel for the petitioner submits that the petitioner has already filed an appeal before the Appellate Tribunal MCD ("ATMCD"), being *Appeal no. 570/2025*, which is next listed for hearing on 16th



September, 2025.

3. It is submitted that the present petition has been filed, since currently there is no Presiding Officer in the ATMCD.

4. Learned counsel for the petitioner submits that during the hearing of another appeal being *Appeal No. 980/2024*, before the ATMCD, titled as “*Mohinder Singh Versus Municipal Corporation of Delhi & Ors.*”, on 30th July, 2025, counsel for the MCD has orally submitted that a Demolition Order has been passed against the property in question.

5. Thus, it is submitted that the petitioner has strong apprehensions that demolition may be carried out by the MCD, against the property of the petitioner.

6. Learned counsel for the petitioner submits that the petitioner had applied for sanction of the building plan in respect of property in question under the Saral Scheme, and had obtained sanction of building plan of the property in question. It is submitted that the building was constructed as per the said building plan.

7. It is submitted that however, on account of certain family disputes, the real brother of the person from whom the petitioner has purchased the property, i.e., Mr. Mohinder Singh, has filed a complaint before the MCD for revocation of the sanction of the building plan.

8. It is submitted that Mr. Mohinder Singh has also filed a civil suit against his brother, i.e. Mr. Randhir Singh, from whom the petitioner has purchased the property, which is pending in the Tis Hazari Court.

9. It is submitted that the petitioner herein, has also filed a suit being *Civil DJ No. 747/2024* against Sh. Randhir Singh and Sh. Mohinder Singh, wherein, by order dated 19th September, 2024, an interim protection has



been granted in favour of the petitioner herein, wherein the said parties have been restrained from interfering with the possession of the petitioner, and from creating any third party interest with respect to the property in question.

10. It is submitted that the petitioner has also filed an application for regularization of the construction in the property in question. It is submitted that the present petition has been filed seeking a limited relief for protection, as the appeal before the ATMCD cannot be heard, in the absence of any Presiding Officer therein.

11. It is further submitted that no Show Cause Notice or Demolition Order has been received by the petitioner.

12. Responding to the present petition, learned counsel for the respondent-MCD submits that though the sanctioned building plan was taken by the petitioner under the Saral scheme, it later transpired that the said plan had been obtained by the petitioner by misrepresentation, and by not stating the correct facts before the MCD. She, thus, submits that the sanctioned building plan was rightly revoked by the MCD.

13. She further submits that the regularization application of the petitioner is under consideration, which shall be decided shortly.

14. She further submits that the petitioner herein has not approached the Court with clean hands, as there is discrepancy in the area of the property in question, purchased by the petitioner.

15. Having heard learned counsels for the parties, without going into the merits of the case, it is directed that since the petitioner has already filed an appeal before the ATMCD, no coercive action shall be taken against the petitioner, till hearing is granted by the ATMCD.



16. This Court takes note of the fact that the appeal of the petitioner before the ATMCD is next listed on 16th September, 2025. It is clarified that in case there is no Presiding Officer in the ATMCD even by the next date of hearing, i.e., 16th September, 2025, the extension granted today, shall extend automatically to any next date, which is given by the ATMCD.

17. It is further directed that whenever the Presiding Officer of the ATMCD takes charge, within two weeks thereafter, the petitioner herein, shall move an application before the ATMCD for taking up his appeal for hearing.

18. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the ATMCD independently, after hearing the parties.

19. The present order is being passed only with a view to allow an opportunity to the petitioner to argue his appeal before the ATMCD.

20. Rights and contentions of all the parties are left open, and are to be decided in the appropriate proceedings.

21. With the aforesaid directions, the present writ petition, along with pending applications, is disposed of.

MINI PUSHKARNA, J

AUGUST 22, 2025/au