



2025:DHC:9484



\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 29.10.2025**+ **W.P.(C) 14732/2025 & CM APPL. 60465/2025****KISHAN KUMAR**

.....Petitioner

Through: **Mr. Manu Sishodia, Adv. (Through VC)**

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: **Mr. Arjun Mahajan, SC with Mr. Apoorv Upmanyu and Mr. Harsh Vashist, Advs. for MCD
Ms. Ritika Babbar and Mr. Rajesh Babbar, Advs.****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed seeking direction to the respondent no. 1-Municipal Corporation of Delhi ("MCD") to take action against the unauthorized construction in property bearing *No. 7/97 (New) 7/9 (Old), Circular Road, Shahdara, Delhi-110032.*
2. It is the contention of the petitioner that respondent nos. 2 to 4 have taken a Sanctioned Building Plan from the MCD on misrepresentation.
3. A Status Report dated 27th October, 2025 has been filed on behalf of the MCD, relevant portions of which, read as under:



5. That, Sh. Kishan Kumar (the present petitioner) submitted the complaint in the office of Executive Engineer (B) – I, Shahdara South Zone, MCD on dated 03.09.2025 against Sh. Sunil Pal (Respondent No.2), Sh. Biram Singh (Respondent No.3) and Sh. Gaurav Pal (Respondent No.4) for cancellation of permit/building plan obtained under “SARAL SCHEME” vide ID No.20021388 dated 20.06.2025, for raising construction in property No.7/97 and Old No.7/9 Circular Road, Shahdara, Delhi-110032, obtained fraudulently by misrepresenting the material facts.

6. That, it is submitted that Sh. Sunil Pal (Respondent No.2), Sh. Biram Singh Pal (Respondent No.3) and Sh. Gaurav Pal (Respondent No.4), Owners/Occupiers of the property obtained an online intimation/ acknowledgement under “SARAL



SCHEME” through Empanelled professional of MCD vide request ID No.20021388 dated 20.06.2025 for commencement of construction in property No.7/97 and Old No.7/9, Circular Road, Shahdara, Delhi-110032, which is valid for five years. Copy of said intimation / sanctioned letter obtained under Saral Scheme is annexed as **Annexure R – 1**.

7. That, it is further submitted that pursuant to the complaint/representation dated 03.09.2025, a Show Cause Notice dated 23.09.2025 was issued/served to (i) Mr. Mohd Daoud Khan, Empanelled Professional, CA/2018/101323, (ii) Sh. Sunil Pal, Sh. Biram Singh, Sh. Gaurav Pal /Owners/Builders, as to why order u/s 338 of the DMC Act, 1957 be not issued to debar the engaged professional from applying for online sanction of Building Plan or Completion Certificate in MCD & revocation/cancellation of the said Intimation/Building Plan including forfeiting of the permit fees. In response, the noticee Sh. Mohd Daoud Khan and the owner submitted the reply where it was prayed to withdraw the instant Show Cause Notice and empanelled professional also stated that the instant plan was sanctioned by the professional on the basis of documents made available by the owners. The reply was taken on record and under active consideration. Copy of Show Cause Notice dated 23.09.2025 is annexed as **Annexure ‘R – 2’**.



8. That, it is pertinent to mention here that Sh. Kishan Kumar (Petitioner) filed vide appeal No.622/2025, titled as Kishan Kumar V/s MCD & Ors., before the Hon'ble Appellate Tribunal, MCD, Tis Hazari Courts, Delhi-110054 against the sanction of building plan under "SARAL SCHEME" vide ID No.20021388 dated 20.06.2025 in respect of property bearing No,7/97 (New) and 7/9 (Old) comprised in Khasra No.643 situated at Village Chandrawali, Circular Road, Shahdara, Delhi. The above said appeal is pending and fixed for hearing for 06.02.2026. Copy of Order of ATMCD is annexed **Annexure R – 3**.

4. Perusal of the aforesaid Status Report shows that a Show Cause Notice has already been issued by the MCD to respondent nos. 2 to 4. This Court notes the submission made by learned counsel appearing for respondent nos. 2 to 4, that reply on their behalf has already been filed to the said Show Cause Notice and that the proceedings pursuant to the said Show Cause Notice, are still pending before the MCD.

5. This Court further takes note of the fact that an appeal has already been filed by the petitioner before the Appellate Tribunal, MCD ("ATMCD") against the sanction of the Building Plan under Saral Scheme, which is now next listed before the ATMCD on 06th February, 2026.

6. Accordingly, it is directed that any action which is required to be taken by the MCD, shall be taken subject to the outcome of the proceedings in the Show Cause Notice issued by the MCD and the appeal pending before the ATMCD filed by the petitioner herein, i.e., *Appeal No. 622/2025*, titled as "*Kishan Kumar Versus MCD & Ors.*".



2025:DHC:9484



7. Needless to state no unauthorized construction shall be carried out by respondent nos. 2 to 4, in the meanwhile.
8. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly, disposed of.

MINI PUSHKARNA, J

OCTOBER 29, 2025/KR