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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 657/2025, CM APPL. 67329/2025 & CM APPL. 67330/2025

VINOD MALIK

.....Appellant

Through: Mr. Samar Bansal, Mr. Vinayak Mehrotra, Ms. Mansi Sood, Ms. Nandini and Ms. Khushi Gupta, Advocates.

versus

RAMAN MALIK & ORS.

.....Respondents

Through: Mr. Abhishek Mahajan, Advocate for MCD/R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

30.10.2025

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1. Heard the learned counsel for the appellant and learned counsel representing the MCD.
2. The only issue urged in this appeal by the learned counsel for the appellant is that though the appellant was a necessary party in the proceedings before learned Single Judge and he was impleaded therein, however, the order under challenge herein has been passed without affording any opportunity of hearing to the appellant.
3. He has further stated that, in fact, though the order passed by learned Single Judge is innocuously worded and only directs the MCD to consider the prayer for grant of sanction of building plan taking into consideration the mutation order dated 26.03.2009, however, since the said mutation order is in favour of the appellant as also in favour of respondent no.1, it is most likely that the MCD, while considering the prayer for grant of sanction of building plan,



may not keep in mind that unless there is a legally valid partition or the appellant's consent, the plan cannot be sanctioned. However, as to whether the appellant was heard before the learned Single Judge, is a question which can be better decided by the learned Single Judge.

4. In view of the aforesaid, we permit the appellant to withdraw the appeal with liberty to move the learned Single Judge seeking review/recall of the order passed by the learned Single Judge. The learned Single Judge is requested to decide the application, if moved by the appellant, expeditiously.

5. Accordingly, the appeal is disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

OCTOBER 30, 2025

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