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

+ **W.P.(C) 259/2025**

R.K.ANAND

.....Petitioner

Through: Mr. Mahesh B. Chhibber, Mr. Chetan Anand and Mr. Akash Srivastava, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Tushar Sannu, Standing Counsel with Mr. Harsh Yadav, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

10.01.2025

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“i) Issue a Writ or directions in the nature of mandamus or any other appropriate writ or directions to the respondent to incorporate/ regularize the plot bearing no. - D-25-C/1 bearing khasra no. 165 in approved layout plan of South Extension Part-II, New Delhi.

OR IN ALTERNATIVE

ii) Issue a direction granting the powers of the standing committee to the Commissioner of Corporation for the limited purpose of granting the permission/approval upon the request of the petitioner already approved by the layout Scrutiny committee.”

2. Issue notice.

3. Mr. Tushar Sannu, learned Standing Counsel accepts notice on behalf of the Respondent and on instructions, submits that vide letter dated 28.05.2024, Petitioner was informed that the proposal for incorporation of property bearing No. D-25-C/1, Khasra No. 165 in approved layout plan of



South Extension Part-II, New Delhi was considered by Layout Scrutiny Committee (LOSC) vide Item No. 03 of 2024 on 17.05.2024. The Committee was apprised that the plot in question falls outside the scheme boundary of the approved layout plan of South Extension Part-II and therefore, the proposal was covered under Private Land Policy. As per the said Policy, regularisation of the existing building which has four-storey with basement is not permissible and therefore, the Petitioner would be required to demolish the existing built-up structure before the proposal is placed before the Standing Committee. However, the Petitioner has taken no action in this regard and therefore, the matter could not be processed further by MCD. He also submits that as soon as the requisite formalities are completed by the Petitioner, the proposal will be processed further expeditiously.

4. Learned counsel appearing on behalf of the Petitioner has no objection to this course of action and submits that steps will be initiated for demolition of the existing structure as required by the MCD and as soon as the process is completed, intimation will be sent to the Respondent whereafter the proposal for incorporation of the subject property in the approved layout plan of South Extension Part-II should be processed without any delay.

5. In view of the aforesaid, this writ petition is disposed of taking the stand of the respective parties on record. Once the requisite formalities are complied with by the Petitioner, due intimation shall be sent to the concerned Office of MCD and on receipt thereof, further action will be taken by MCD without unnecessary delay and in accordance with the applicable Policy and law.



6. Needless to state that if no action is commenced and/or there is no substantial progress in processing the case of the Petitioner within six weeks from the date of intimation by the Petitioner, it would be open to the Petitioner to seek a revival of this writ petition. It is made clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

JANUARY 10, 2025/jg/shivam