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

+ LPA 496/2025, CM APPL. 47366/2025, CM APPL. 47367/2025, CM APPL. 77831/2025

RAJ KUMAR AND ANR

.....Appellants

Through: Mr. Kamal Kishore, Adv. with A-1 in person

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS

.....Respondents

Through: Mr. Kapil Dutt, Adv. for MCD.
Mr. Anuj Kumar Garg, Adv. for R-2
& 3

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

06.01.2026

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1. Heard the learned counsel for the parties.
2. This intra-court appeal seeks exception to an order dated 30.05.2025 passed by learned Single Judge whereby W.P.(C) 8112/2025 filed by the respondent nos.2 and 3 have been disposed of with certain directions.
3. By the impugned order, learned Single Judge has provided that the said writ petition be treated as a representation, which shall be decided by the Municipal Corporation of Delhi (MCD). The impugned order further provides that at the time of consideration of the representation, an opportunity shall also be given to the appellants as well.
4. The learned Single Judge has also provided that the appellants along with the respondents shall be allowed to appear before the concerned



officials of the MCD to make their respective submissions and submit their respective arguments.

5. It has thus been provided by the learned Single Judge that opportunity of the hearing shall be provided to both the parties and thereafter a decision shall be taken. The learned Single Judge has even gone to the extent of permitting the party aggrieved by the speaking order to be passed to seek remedy in accordance with law.

6. It has been argued by learned counsel for the appellant that the writ petition suffered from the vice of suppression of material facts, and accordingly, this Court in its order dated 04.08.2025 made certain observations. He has stated that in view of the suppression of facts by the respondents before the learned Single Judge, the writ petition ought not to have been entertained and accordingly, the appeal needs to be allowed on the aforesaid count alone. In this regard he has submitted that in a civil suit instituted by the appellants, namely, C.S. No.84/2021 various status reports have been filed by the MCD admitting therein that the building plan of the appellants was duly approved by the MCD and therefore remitting the matter to the MCD again will not serve any purpose.

7. He has also stated that apart from filing status report in the proceedings of CS No.84/2021, the MCD has filed status reports in various other proceedings as well, reiterating every time that the building plan of the appellants was duly approved.

8. It has been thus stated that no fruitful purpose would be served by remitting the matter again to the MCD for taking a decision regarding validity of the building plan afresh.

9. Learned counsel for the MCD however states that *prime facie* it



appears that the building plan which is sanctioned through *Saral Scheme* was based on certain incorrect facts and therefore giving opportunity to the MCD to correct the said mistake will not cause any prejudice to either of the parties. He has further stated that in respect of the property in question, several demolition orders have been passed which have been upheld by the Appellate Tribunal of the MCD. These said facts have however been derived by the learned counsel representing the appellants.

10. Having considered the submissions made by learned counsel for the respective parties, we do not find any reason to interfere with the impugned order passed by the learned Single Judge in this appeal.

11. So far as suppression of fact regarding filing of the status report by MCD in the proceedings of C.S. No.84/2021 and in various other proceedings stating that building plan was duly sanctioned is concerned, we may note that subject matter of the suit, instituted by the appellants, was alleged illegal encroachment of the land said to be owned by them and, therefore, by instituting the said civil suit a decree of permanent injunction has been sought against the private respondents.

12. The subject matter of the proceedings before the learned Single Judge was in respect of validity of the sanctioned building plan, and what we find is that, in case in the wake of certain allegations of the building plan having been obtained on the basis of incorrect facts and suppression of facts, to provide for MCD taking decision afresh after giving an opportunity of hearing to both the parties, in any case no prejudice is going to be caused to either of the parties to these proceedings, in case the matter is reconsidered as directed by learned Single Judge by passing the impugned order.

13. For the reasons aforesaid, we are not inclined to interfere in this



appeal which is hereby dismissed.

14. There will be no order as to costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JANUARY 6, 2026/j