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

+ **W.P.(C) 17447/2024&CM APPL. 74201/2024**

SANJAY KAPOOR & ANR.

.....Petitioners

Through: **Mr. J.K. Sharma, Advocate.**

versus

VIKAS MITTAL & ORS.

.....Respondents

Through: **Mr. Ashwani Kumar and Mr. Abhay Kakkar, Advocates for R-1 and R-2 with R-1 in person**
Mr. Tushar Sannu and Mr. Parvin Bansal, Advocates for GNCTD
Mr. Manu Chaturvedi, Standing Counsel for MCD. (Through video-conferencing)
Mr. Sanjay Katyal, Standing Counsel for DDA with Mr. Nitish Kumar Danda, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **18.05.2026**

1. Pursuant to the order passed by this Court on 24th February, 2026, an order dated 12th May, 2026 has been passed by respondent-MCD under Section 345-A of the Delhi Municipal Corporation ('DMC') Act, 1957.
2. In the said order, it has been stated that the property falls on the ROW of 18 metres and the activity, *i.e.* clinic is permissible as per the provisions of the Master Plan of Delhi 2021 ('MPD-2021').
3. The relevant extract from the said order is set out below:



For a fair and transparent decision, the file was sent to the Legal Cell of Keshav Puram Zone for clarification and legal opinion in the matter. The JLO vide his note dated 23.02.2026 opined that the supplementary counter affidavit in the instant case can be filed treating the activity in Clause 15.7(other Activity) as this clause specifically covers Nursing Homes, Clinics and Dispensaries as "Public and Semi-Public" facilities.

In the present case the site was inspected by the area JE(B) and as per the site inspection report dated 13.03.2026 the property falls on the ROW of 18 mtrs and the activity, i.e., clinic is permissible as per the provisions of MPD-2021 Clause 15.7(other activity).

In the instant case the Hon'ble High Court of Delhi vide orders dated 24.02.2026 also directed that the reply of the private respondents shall be considered and appropriate orders shall be passed within four (4) weeks.

After taking into consideration all the material and evidences placed on record, legal opinion and the inspection report of the field staff, the Show-Cause Notice issued u/s 345-A of the DMC Act is hereby withdrawn in the interest of natural justice.

4. In view thereof, the present writ petition stands disposed of while leaving it open for the petitioner to invoke appropriate remedies available in law to challenge the said order dated 12th May, 2026 passed by the MCD.

AMIT BANSAL, J

MAY 18, 2026
at