

(2022) 01 DEL CK 0017

In the Delhi High Court

Case No : Civil Writ Petition No. 100 Of 2022, Civil Miscellaneous Application
No. 237-238 Of 2022

Ramesh Chandra

APPELLANT

Vs

East Delhi Municipal Corporation

RESPONDENT

Date of Decision : 04-01-2022

Acts Referred:

Citation : (2022) 01 DEL CK 0017

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : S.N. Gupta, Abhinav Sharma, Mahender Shukla

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Petitioner seeks quashing of revocation order dated 15.12.2021, whereby the application of the petitioner for grant of sanction of building plan for construction of second and third floor of property number 59, Sukh Vihar, Delhi has been revoked. Petitioner further seeks a restraint on the respondent from carrying out demolition proceedings qua the property.
3. Learned counsel submits that the petitioner had become owner of the roof rights above the first floor by way of a registered sale deed dated 20.02.2001, which was executed by his father in his favour.
4. Learned counsel for petitioner submits that petitioner had accordingly applied for sanction of a building plan for raising construction of the second and third floor.

5. Learned counsel submits that once the plan was sanctioned, construction was raised over the second and third floor. However, subsequently, a

complaint was allegedly filed by someone claiming that the signatures of the father of the petitioner on the application for sanction of the building plan were forged.

6. Learned counsel submits that petitioner had not forged any signatures. However, he submits that as per the extant policy of the Corporation, floor-wise sanction is permissible.

7. Learned counsel submits that without prejudice to the rights and contentions of the parties, petitioner is willing to apply for regularization of the construction already made as has been permitted by the revocation order dated 15.12.2021.

8. Learned counsel appearing for the Corporation submits that in case a regularization application is filed expeditiously, the same shall be disposed of in a time-bound manner.

9. Accordingly, learned counsel for the petitioner submits that petitioner shall file an application seeking regularization of the second and third floor within a period of 15 days from today.

10. The petition is disposed of permitting the petitioner to move an application for regularization of the building plan within a period of 15 days. On such an application being filed and being in order, respondent shall disposed of the same within a period of four weeks from the date of receipt of the application.

11. Subject to the application being filed by the Petitioner within fifteen days, till the time application is disposed of, no coercive action shall be taken against the property of the petitioner. Coercive action, if any, thereafter shall be subject to orders to be passed by the Corporation on the regularization application.

12. Petition is disposed of in the above terms.

Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through e-mail by the Court Master.