

(2021) 03 DEL CK 0148

In the Delhi High Court

Case No : Civil Writ Petition No. 1524 Of 2021, Civil Miscellaneous Application
No. 4355 Of 2021

Santosh Sharma And Anr

APPELLANT

Vs

NDMC And Ors

RESPONDENT

Date of Decision : 15-03-2021

Acts Referred:

Delhi Municipal Corporation Act, 1957 — Section 338

Citation : (2021) 03 DEL CK 0148

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Harsh Vardhan, Vinit Singh Chauhan, Ram Kumar

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioners impugn order dated 30.12.2020 passed under Section 338 of the Delhi Municipal Corporation Act whereby the sanctioned building plan qua the plot of the petitioner i.e. property No.4548/12, Ram Nagar, Tri Nagar, Delhi has been revoked on the alleged ground of misrepresentation and being in violation of the policy/guidelines/provisions of MPD 2021.

2. Learned counsel appearing for the respondents/Corporation submits that the show-cause notice was sent by post and twice it came back and thereafter it was pasted on the subject property and despite the same, no reply was received from the petitioners to the show-cause notice.

3. Learned counsel for the petitioners submits that petitioners never received the show-cause notice and is not residing at the subject address and is residing at of 993/66, Lekhu Nagar, Tri Nagar, Delhi and this address is available in the records of the Corporation.

4. Without getting into the controversy as to whether the petitioners were served

with a show-cause notice by pasting or not, since admittedly the notices sent were received back with the report "premises locked" and petitioners are alleged to have been served only by pasting, it would be appropriate that one opportunity is granted to the petitioners to file a response to the show-cause notice and thereafter for respondents to pass a fresh speaking order.

5. In view of the above, the impugned order dated 30.12.2020, insofar as it revokes the sanctioned building plan, is set aside.

6. Respondents shall serve a copy of the show-cause notice on the petitioners through counsel within two days. Petitioners shall thereafter file a reply to the show-cause notice within one week and respondents shall thereafter pass a fresh speaking order on the subject show-cause notice after affording an opportunity of a personal hearing to the petitioner.

7. Petition along with pending application is disposed of in the above terms.

8. All rights and contentions of the parties are reserved.

9. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.