

IN THE COURT OF SH. ABHILASH MALHOTRA:
ADDL. DISTRICT & SESSIONS JUDGE-CUM-PRESIDING OFFICER,
APPELLATE TRIBUNAL, M.C.D., DELHI.

APPEAL NO. 73/ATMCD/2025

**Nipun Chhabra,
W/o Mr. Sanjeev Chhabra,
R/o Khasra No.30/25, MIN (3-13),
39/5/1/1 Min (0-8), 5/1/2 MIN (0-17),
Main Road, Samalkha Village,
South West Delhi, Delhi-110037**

..... Appellant

Vs

**Municipal Corporation of Delhi
(Through its Commissioner)
17th Floor, Civic Centre,
Minto Road, New Delhi-110002**

..... Respondent

Date of Filing of Appeal	:	06.02.2025
Date of judgment	:	14.05.2025

JUDGMENT

1. The present appeal has been filed impugning the order dated 16.08.2024 by which the MCD has rejected the application for regularization of the property bearing kh. No.30/25 min (3-13,39/5/1/1min (0-8), 5/1/2 min (0-17) situated in the revenue estate of Village Samalka, Tehsil Vasant Vihar, New Delhi.
2. In respect of the limitation period it is submitted by the Ld. counsel for appellant that MCD rejected the regularization application on the ground that there is no policy for regularization of farm houses in Delhi. Thereafter the appellant was gathering the relevant policies and notifications to impugn the rejection order and there is delay of about 120

days in filing the present appeal. It is submitted that appellant was seeking separate remedy against the sealing order and demolition order and the delay is unintentional. It is submitted by Ld. counsel for appellant that LDRA (Low Density Residential Area) policy is already applicable as per MPD-2021. He submits that DDA also notified a regularization policy dated 30.10.2012 which provided the procedure for regularization of farm houses prior to 07.02.2007. He submits that despite availability of the necessary policy, the MCD did not consider the application and rejected the same.

3. On the other hand, Ld. counsel for MCD submits that the appeal is barred by limitation and no reason or explanation is provided for condoning the delay. He submits that the MPD-2021 makes a provision of LDRA but regularization policy as notified vide notification dated 30.10.2012 is kept in abeyance. He submits that appellant herself has placed on record copy of the letter dated 23.08.2018 issued by the Ministry of Housing and Urban Affairs which record that the regularization in respect of farm houses in Delhi governed by regulations notified on 30.10.2012 have to be stopped. He submits that as there is no policy in force as of now, the application for regularization cannot be processed.
4. Arguments heard. Record perused. The record shows that appellant was pursuing his remedy in respect demolition and sealing order and took time in gathering the relevant notifications and policies to impugn the rejection order, therefore, delay is occurred in filing the present appeal. In view of the above peculiar facts and circumstances, the appellant has been able to show sufficient ground for condoning the delay. Accordingly, the application seeking condonation of delay is allowed and delay is condoned.
5. It is the admitted position that the appellant is seeking regularization of a farm house. MCD vide impugned order dated 16.08.2024 has rejected

the regularization application on the ground that no policy exist for regularization of farm houses. Appellant has placed on record copy of the letter dated 23.08.2018 issued by Ministry of Housing and Urban Affairs, the relevant extract is re-produced below:-

“The Low Density Residential area (LDRA) Policy was notified on 10.05.2013 (copy enclosed). At present there is no instruction from the Ministry to stop implementation of LDRA Policy, Letter No. K-12016/1/2014-DD.1 dated 07.11.2014 from the Ministry directed local bodies to stop the process for regularization in respect of existing farm houses in Delhi governed by the regulations notified on 30.10.2012 and not the implementation of LDRA policy (copies enclosed). The implementation of various provisions under Master Plan for Delhi-2021 rests with the local bodies concerned such as DDA, Municipal Corporation of Delhi, New Delhi Municipal Council, etc. It is further mentioned that the regulations to regularize existing farm houses and the LDRA policy is presently under review of DDA and no time frame can be prescribed in the matter”.

6. A bare perusal of the said letter shows that the directions were issued to the local bodies to stop the process for regularization in respect of existing farm houses in Delhi as governed by the Regulations notified on 30.10.2012. From the said letter it is clear that there were clear directions to stop the process of regularization of farm houses.
7. Appellant has relied upon the judgment in the case of Sanjiwan Sahni Vs South Delhi Municipal Corporation and Anr., MCD appeal No.3/2017 dated 16.03.2018 passed by the Court of Smt. Asha Menon, the then District & Session Judge (South) Saket, Delhi. The said judgment also records the submissions of South Delhi Municipal Corporation that vide letter No.K-12016/1/2014-DD-I dated 07.11.2014 received from the Ministry of Urban Development, directions were received to stop regularization of existing farm houses. The Hon’ble Court in the

concluding paragraph observed “that order declining regularization for the persons as regularization has been stopped, notifying amendments to the regularization policy cannot be faulted particularly in the light of the liberty given to the appellant.” It is clear that the Hon’ble Court in the said judgment also observed that the order by which the regularization has been stopped for notifying the amendment cannot be faulted.

8. In view of the aforesaid facts and circumstances, the appeal is dismissed and the impugned order is upheld.

**Announced in the open Court
today i.e. on 14.05.2025 (J)**

**(ABHILASH MALHOTRA)
AD&SJ-cum-P.O.
Appellate Tribunal : MCD Delhi.**