

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

**APPEAL NO. 73/ATMCD/2012**

**Smt. Shukla Chawla W/o Shri Subhash Chawla  
R/o 35-UA, Jawahar Nagar  
Eastern Portion Kamla Nagar  
Delhi**

**..... Appellant**

**Versus**

**Municipal Corporation of Delhi  
Dr.Shayma Parshad Mukherjee Civic Centre  
Minto Road, New Delhi  
(Through its Commissioner/  
Executive Engineer (Bldg.)  
City Zone, Civil Line, Delhi**

**..... Respondent**

**Date of Filing of Appeal : 21.02.2012  
Date of Judgment : 14.11.2025**

**APPEAL NO. 79/ATMCD/2012**

**Smt. Shukla Chawla W/o Shri Subhash Chawla  
R/o 35-UA, Jawahar Nagar  
Eastern Portion Kamla Nagar  
Delhi**

**..... Appellant**

**Versus**

**Municipal Corporation of Delhi  
Dr.Shayma Parshad Mukherjee Civic Centre  
Minto Road, New Delhi  
(Through its Commissioner/  
Executive Engineer (Bldg.)  
City Zone, Civil Line, Delhi**

**..... Respondent**

**Date of Filing of Appeal : 23.02.2012  
Date of Judgment : 14.11.2025**

**APPEAL NO. 919/ATMCD/2017**

1. Dr.J.B. Babbar  
S/o late Sh.S.R.Babbar  
R/o 35-UA (5910) Jawahar Nagar  
(western portion)  
Near Kamla Nagar  
New Delhi

2. Dr.Mrs. Rakhee Babbar  
W/o Dr.J.B. Babbar  
R/o 35-UA (5910) Jawahar Nagar  
(western portion)  
Near Kamla Nagar  
New Delhi

..... Appellants

**Versus**

**Municipal Corporation of Delhi  
Through it's Commissioner  
Civic Centre  
New Delhi-110002**

..... Respondent

**Date of Filing of Appeal : 12.10.2017  
Date of Judgment : 14.11.2025**

**JUDGMENT**

1. Vide this order I will dispose of three appeals relating to property no. 35 – UA, Jawahar Nagar, Delhi. The appellant Shukla Chawla is the owner of eastern portion of this property and has challenged the demolition order dated 16.02.2012 in appeal no. 79 of 2012. She has also challenged the revocation of her sanctioned building plan in appeal no. 73/12 which was revoked vide order dated 10.10.2011. The appellant Dr. J.R. Babbar and his wife, who are the owners of western portion of this property have challenged the rejection order dated 15.09.2017 vide which their application for sanctioned plan was rejected .
2. The facts in brief for deciding these three appeals are that this property bearing no. 35 – UA, Jawahar Nagar, Delhi was sub divided in two parts on 11.05.1956 before DMC

Act came into existence. The single plot was sub divided in eastern and western portion now owned by Smt. Shukla Chawla and Dr. J.R. Babbar & his wife. The appellant Shukla Chawla applied for sanctioned building plan of her eastern portion and the same was sanctioned by the respondent on 02.06.2008. She started raising construction when the respondent revoked this sanction plan. She filed an appeal before this Tribunal and that appeal was allowed on 12.11.2008 and the revocation of the building plan was set aside. The respondent challenged that order before the Appellate Forum of the then Hon'ble LG, Delhi. The Hon'ble Appellate Forum remanded the matter back to the respondent as he was of the opinion that applicability of resolution no. 802 of the MCD and its implication are required to be reconsidered afresh on merits. Pursuant there to a Committee was constituted and that Committee passed the impugned revocation of the sanctioned order dated 10.10.2011 holding that resolution no. 802 cannot be extended to the appellant as Master Plan for Delhi 2021 does not permit sub division of residential plot for regular plotted development and sanctioning of building plan of sub divided property cannot be accepted and therefore revocation is legally correct.

3. This order has been challenged on the ground that resolution no. 802 covers the sub divided property of both the appellants and this resolution has been wrongly interpreted by the respondent and the revocation of the building plan of the appellant Shukla Chawla and the rejection of application of sanction plan of Dr. J.B. Babbar & his wife are liable to be revoked. The demolition order was also challenged on the same ground that the demolition order dated 16.02.2012 has been passed only because that the sub division of the plot is illegal and resolution dated 802 is not applicable.
4. Ld. counsels for the respondents on the other hand argued that since lay out plan of Jawahar Nagar was already in existence when the plot was sub divided, the resolution no. 802 is not applicable to the property of the appellants. The property was sub divided after sanctioned lay out plan and therefore the same cannot be given benefit of resolution no. 802.
5. The interpretation of resolution no.802 is the sole question to be decided in this appeal and the same is reproduced herein for the sake of convenience.

(a) If the properties were within the local limits of the erstwhile Delhi Municipal Committee; or

- (b) Erstwhile Shahdara Municipal Committee; or
- (c) In colonies which were developed by Ministry of Rehabilitation; or
- (d) By Government; or
- (e) Any Municipal Authority; or
- (f) Where sanction by any Competent Authority; or
- (g) Falling in urban Villages; or
- (h) Areas where there was no layout;  
were sub-divided and were registered in the name of different owners prior to establishment of Municipal Corporation of Delhi, should be taken it as approved sub-division so far as Section 313 of D.M.C. Act is concerned.

6. As per this resolution if either of the conditions from Clause (a) to (h) exist, the property shall be entitled to the benefit of resolution no. 802. It means that where the property is within the local limits of erstwhile Delhi Municipal Committee **or** is in erstwhile Shahdara Municipal Committee **or** in colonies which were developed by Ministry of Rehabilitation **or** by Govt. **or** by any Municipal Authority **or** were sanctioned by any Competent Authority **or** falling in urban villages or areas there were no layout plan, were sub divided and registered in the name of different owners prior to establishment of Municipal Corporation of Delhi, should be taken as approved sub-division so far as section 313 of DMC Act.
7. Admittedly in the present case property no. 35 – UA, Jawahar Nagar, Delhi was sub-divided prior to establishment of Municipal Corporation of Delhi on 13.12.1957. The respondent mis-interpreted this resolution by not reading the comma before the last clause which provides areas where there was no lay out plan. The respondent failed to appreciate that all the clauses are independent of each other and if the property is sub divided and registered prior to establishment of Municipal Corporation of Delhi, the same shall be entitled to benefit of resolution no. 802, if any of the clauses of resolution no.802 is satisfied. In the present case, Jawahar Nagar was in the local limits of erstwhile Delhi Municipal Committee and had a sanctioned layout plan. The property of the appellants were sub-divided prior to 31.12.1957 and was registered in the name of different owners.
8. In these facts the sub-division is deemed to be approved as far as section 313 of DMC Act is concerned. The order of the respondent revoking the regularization plan of appellant Shukla Chawla and passing demolition order of her property only because resolution no. 802 is not applicable is bad in law. Similarly the rejection of the

application of appellant Dr. J. B. Babbar and his wife dated 15.09.2017 because of sub-division of plot is also unsustainable. In facts all the three appeals are allowed and the revocation of the building plan of eastern portion of property no. 35- UA, Jawahar Nagar dated 10.10.2011 is not sustainable. The said revocation order is set aside. The appellant shall be at liberty to raise construction as per sanctioned building plan.

9. As a result the demolition order dated 16.02.2012 passed in r/o eastern portion of plot no. 35-UA, Jawahar Nagar is also set aside as was passed solely on the wrong interpretation of resolution no. 802 dated 28.10.1964.
10. The appeal filed by Dr. J. B. Babbar and his wife is also allowed who are the owners of western portion of this plot. The impugned refusal of sanction dated 15.09.2017 is set aside and the respondent is directed to reopen the application of sanction of these appellants and pass order keeping in view that resolution no. 802 is applicable to the property of the appellant.
11. All the three appeals are allowed.
12. Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

**Announced in the open Court  
today i.e. on 14.11.2025**

**(AMIT KUMAR)  
District Judge-cum-P.O.  
Appellate Tribunal : MCD Delhi**