

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

APPEAL NO. 462/ATMCD/2021

**Shri Raghvandar Singh
S/o Late Sh. Chattar Singh
R/o H.No. 66-B, Village Humayunpur
Safdarjung Enclave
New Delhi – 110029**

..... Appellant

Versus

**Municipal Corporation of Delhi
Through its Commissioner
S.P.M. Civic Centre
New Delhi**

..... Respondent

Date of Filing of Appeal	:	22.12.2021
Date of Judgment	:	18.11.2025

JUDGMENT

1. This is an appeal challenging the revocation of sanction building plan of the property of the appellant bearing plot no. 101 measuring 250 sq. yds. part of Khasra no. 459/7/7/3 in village Humayunpur, New Delhi now known as Krishna Nagar, New Delhi-29. The appellant obtained a sanction building plan in respect of this property through his architect Shri. Rama Kant Kalra. After this sanction was given by the said architect, the appellant raised construction on his property. The respondent thereafter issued a show cause notice dated 29.09.2021 seeking response of the appellant as to why the sanction dated 15.03.2021 accorded by the registered architect should not be revoked. The appellant submitted his reply on 08.10.2021 followed by written submissions dated 26.11.2021 and thereafter the impugned revocation order dated 10.12.2021 was passed.
2. The appellant has challenged this order on the ground that building was constructed without any deviation as per sanction building plan. All the

grounds raised in the show cause notice were duly replied. The respondent failed to consider the ownership documents of the appellant including revenue record and the relinquishment deed dated 10.12.2021. The issue of set back was wrongly decided by not considering that the appellant has left some part of his plot for road widening and there was no requirement of maintaining 03 meter set back. The plot was sub-divided in 1976 which was much prior to notification of the respondent dated 16.02.1977 and therefore the impugned order is liable to be set aside.

3. Ld. counsel for the respondent on the other hand argued that ownership of the appellant is in dispute for which a Civil Suit is already pending. The appellant failed to furnish ownership documents. There is some dispute in respect of property number as the intervener has claimed that the property no. is 91-C and not 101, Krishna Nagar and there are deviations from the sanction building plan and the impugned order is a reasoned order and the appeal is liable to be dismissed.
4. Admittedly the appellant obtained the sanction building plan issued by registered architect. This sanction building plan is conditional that the sanction will be void Ab initio if any material fact has been suppressed or misrepresented. The appellant filed relinquishment deed executed by his brother in his favour to claim ownership in the property. Civil Suit challenging the title of the appellant is pending in the Civil Court. Further the appellant filed revenue record to show that his grandfather was the owner of this property. The jamabandi relied upon show that Khasra No. 459/7/7 had a family partition and the grandfather of the appellant Shri Ganeshi Lal along with his brother Shri Fateh Singh had two portions of the land measuring 03 bigha 03 biswa. Later vide mutation no. 532 Shri Ganeshi Lal and Shri Fateh Singh had one third portion by way of succession. As per award of village Humayunpur filed in this appeal, the total area of Khasra No. 459/7/7 was only 09 bigha and 06 biswa. The appellant has failed to establish as to how much land came to the share of his grandfather and what was the location of the actual plot which came to the share of his father Shri Chatter Singh and which portion came to the share of his paternal uncle Shri Gaze Singh from Shri

Ganeshi Lal. As per appellant his grandfather Shri Ganeshi Lal became owner of 500 sq. yds. and he sub-divided this plot amongst his two sons in equal portion and appellant became owner of 250 sq. yds which came to the share of his father Shri Chatter Singh by virtue of relinquishment deed executed by his brother. There is nothing on record to show that the father of the appellant namely Shri Chatter Singh and his brother Shri Gaze Singh became owner of 250 sq. yds. each out of the 500 sq. yds. plot owned by their father Shri Ganeshi Lal. A title dispute in respect of this plot is already pending. In that suit the respondent filed status report dated 28.02.2022 stating that both the properties no. 91/C and 101, Krishna Nagar are altogether different as compared to DDA Layout plan. Whether the property in question is property no. 101 or 91/C is yet to be settled and cannot be decided only on the basis of status reports filed by respondent before Hon'ble High Court or in the Civil Suit. The appellant obtained the sanction building plan online without filing all the ownership documents. The revenue record does not demarcate the plot of appellant. The property is not as per layout plan of DDA. The impugned order is a speaking reasoned order and does not suffer from any infirmity.

5. The appeal is dismissed.
6. 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 18.11.2025**

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

