

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

APPEAL NO. 357/ATMCD/2023

**Aqeel Ahmed
S/o Sh. Habib Ahmed
R/o B-326, Okhla Village
Jamia Nagar, Okhla
New Delhi - 110025**

..... Appellant

Versus

- 1. Municipal Corporation of Delhi
Through its Commissioner
Civic Centre, Minto Road
New Delhi**
- 2. Sh. Ayaz
S/o Not Known
R/o House No. 150, Zakir Bagh
Near Ishwar Nagar
Sarai Julena
New Delhi – 25**
- 3. Sh. Kashif
S/o Sh. Nazim Rafique
R/o House No. 43-A
Lane No. 2, Johri Farm, Okhla
New Delhi – 110025**
- 4. Sh. Akram
S/o Not Known
R/o House No. 14-A
(Muzammil House) Lane No. 1
Johri Farm, Okhla
New Delhi – 110025**
- 5. Sh. Mirza Beg
S/o Not Known
R/o House No. 46, Ishwar Nagar
Near Zakir Bagh, Okhla
New Delhi - 110025**

..... Respondents

Date of Filing of Appeal : 07.06.2023
Date of Judgment : 01.09.2026

JUDGMENT

1. This is an appeal challenging the order sanctioning building plan dated 23.02.2018 sanctioned in respect of property being part of Khasra No. 138 (claiming to be Municipal No. 268) situated at Village Okhla, Jamia Nagar, New Delhi – 110025 (hereinafter referred as subject property).
2. The brief facts necessary for disposal of this appeal are that the appellant is a resident of Okhla Village, Jamia Nagar and has claimed that the khasra no. 138, Village Okhla, Jamia Nagar, New Delhi measuring about 5 bigha 3 biswa is a shamlat deh property where every resident of Village Okhla has right. The private respondents in collusion with officials of MCD started removing the trees on the area measuring about 300 sq. meters out of this land. The appellant challenged their act by filing W.P.(C) no. 44/23 before the Hon'ble High Court and also filed original application(O.A.) before the National Green Tribunal, New Delhi (NGT). The appellant came to know about the impugned sanction building plan on 09.05.2023 through status report filed by MCD in the writ petition and thereafter has filed this appeal.
3. It was argued for the appellant that the private respondents are not the owners of the subject property which is situated in unauthorized colony, yet they managed to obtain sanction building plan in connivance with the officers of MCD. The property falls in the land meant for Shamlat Deh which is property of all the co-villagers. The private respondents have claimed ownership through a sale deed but there is no chain of ownership mentioned in the said sale deed and same cannot confer any title upon them. The sanction cannot be given for a property situated in unauthorized colony where only private numbers are existing. The sanction building plan have been obtained on misrepresentation of facts and therefore, the impugned sanction should be revoked.
4. Ld. counsel for MCD on the other hand argued that the appeal is barred by limitation. The appellant has no locus to file this appeal and further the sanction building plan was given as per building bye laws and therefore, the appeal should be dismissed.

5. Ld. counsel for private respondents while supporting the arguments of MCD, argued that the appellant is a black mailer and is trying to extort money from the private respondents. The subject property was owned by one Mohd. Mujeeb. Late Dr. Zakir Hussain, the then Vice-President of India, executed release deed in favour of Mohd. Mujeeb. The son of Mohd. Mujeeb executed sale deed in favour of the vendors from whom the private respondents have purchased this property. The private respondents have valid title for the subject property and obtained sanction building plan as per law. The property is mutated in the name of Mohd. Ameen son of Mohd. Mujeeb in the revenue records who was the rightful owner of the property. The appellant has no locus to file this appeal which is also barred by limitation and therefore, the appeal should be dismissed.
6. I have perused the record. The present appeal was filed on 07.06.2023 against the sanction building plan dated 23.02.2018. The appellant claims that he gained knowledge about this sanction building plan only on 09.05.2023 when MCD filed status report before the Hon'ble High Court in Contempt Case (C) no. 203/23. I have perused the order dated 09.05.2023 passed in this contempt filed at page no. 51 of the appeal. On that day Id. Counsel for MCD sought time to submit status report before next date of hearing. No status report was filed on that day. The contention of the appellant that he gained knowledge of this sanction building plan on 09.05.2023, through that contempt petition is not correct.
7. Further, the appellant approached NGT, New Delhi prior to filing this appeal and in that O.A. before NGT, the appellant pleaded in that O.A. that the private respondents got a building plan sanctioned despite that they are neither owner nor authorized to get the same sanctioned. This fact is reflected in the order dated 17.01.2023 passed by NGT. These pleadings made by the appellant before NGT in January 2023 show that the appellant had knowledge about this sanction building plan at least since January 2023. The appellant has falsely claimed in this appeal that he gained knowledge only on 09.05.2023. There is no explanation for not filing the appeal within 30 days from the date of knowledge and therefore, the delay cannot be condoned and the appeal is liable to be dismissed on the grounds of delay only.

8. Further, the appellant has no locus to file this appeal as he is not the owner of the subject property nor can be said to be an aggrieved person. The appellant before NGT claimed that Khasra No. 138, measuring 5 bigha 3 biswa, Village Okhla, Jamia Nagar, New Delhi belongs to Zakir Hussain Trust and is a green belt area known as Naseem Bagh. However, in the present appeal, the appellant claimed that this property is a Shamlat Deh property where every villager/person has a right being public property. During arguments it was stated that the property is in unauthorized colony.
9. The appellant has taken three different stands in respect of the identity of the property and has failed to show about his locus to challenge the sanction building plan of the private respondents. The documents filed by the private respondents show that late Dr. Zakir Hussain executed a registered release deed of this property on 22.11.1966 in favour of Mohd. Mujeeb and thereafter, Jamia Milia Islamia through its registrar executed another release deed on 12.09.1973 in favour of Mohd. Mujeeb. Thereafter, son of Mohd. Mujeeb executed sale deed in favour of Mr. Pratyush Kanth and his brother who executed sale deed in favour of the private respondents. All these documents are registered documents and their veracity cannot be questioned in this appeal before this Tribunal. There is presumption of validity in respect of registered document and the appellant cannot be permitted to challenge the same and at least before this tribunal.
10. In view of this discussion, the appeal is not only barred by limitation, the appellant has no locus to file this appeal which is without merits and the same is dismissed.
11. Records 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 01.09.2026**

**(AMIT KUMAR)
Addl. District & Sessions Judge-cum-P.O.
Appellate Tribunal, MCD, Delhi**