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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 16.10.2025**

+ W.P.(C) 16024/2025 & CM APPL. 65636/2025

MR RAMAN MALIK

.....Petitioner

Through: Mr. Rajat Wadhwa, Mr. Jay Bhardwaj, Mr. Himanshu Gupta, Mr. Gurpreet Singh, Ms. Anshika Juneja and Ms. Nikita Tiwari, Advocates
Mob: 9599503262
Email: junejaanshika@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Sanjeev Sabharwal, ASC for NDMC
Mob: 9810031680
Email: solicitor6@gmail.com
Mr. Abhishek Mahajan, Advocate for R-1
Mob: 9810981062
Email: officeofabhishekmahajan@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed seeking directions to the respondent no. 1, i.e., Municipal Corporation of Delhi ("MCD"), to sanction the Building Plan of plot bearing No. C-100, Anand Niketan, New Delhi.
2. Learned counsel appearing for the petitioner submits that the property in question is a big plot of land measuring 423.20 sq. yards and that the petitioner is the owner of 50% of the front portion of the said property.



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3. Attention of this Court has been drawn to the mutation in favour of the petitioner, which has been effected *vide* order dated 26th March, 2009 passed by the Delhi Development Authority (“DDA”). The said document, attached as *Annexure P-5* to the present petition, is reproduced as under:

ANNEXURE P-5

DELHI DEVELOPMENT AUTHORITY
COOPERATIVE SOCIETY CELL
C-II, 2nd Floor, Vikas Sadan, INA
New Delhi-110023

No: F14(C-100/68/AN/CS/DDA/3525) Dated: 26/3/09

From: Dy. Director (CS)

To
Shri Raman Malik,
S/o Late Shri O.P. Malik,
R/o H.No. 1270, Sector-18-C,
Chandigarh (Punjab)

Sub: Mutation of $\frac{1}{2}$ share (un-specified) in respect of plot/property no C-100, Anand Niketan C.H.B.S. Ltd., New Delhi.

Sir,

With reference to your application on the subject noted above it is to state that that consequent upon the death of Shri O.P. Malik, S/o Late Shri Jaiwanda Mal, the Co-sub-Lessee of plot/property under reference and on the basis of Relinquishment Deed and documents furnished by you, the said plot property has been mutated $\frac{1}{2}$ share un-specified of late Shri O.P. Malik in the name of Sh. Raman Malik S/o Late Shri O.P. Malik. A note of this effect has been kept in the records of this office. Mutation so allowed for an $\frac{1}{2}$ un-specified share in favour of Sh. Vinod Malik S/o Late Shri K.L. Malik *vide* this office letter dated 6.8.07 will remain un-changed. Now the property in question stands in the name of following persons as under :-

1. Shri Vinod Malik S/o Late Shri K.L. Malik $\frac{1}{2}$ un-specified share.
2. Sh. Raman Malik S/o Late Sh. O.P. Malik $\frac{1}{2}$ un-specified share.

The society is requested to make necessary changes in its records accordingly.

It may clearly be noted that if at any later stage it is noticed that the above referred mutation has been obtained on the basis of false / forged documents then it will be a case of mis-statement of facts and fraud and in that case mutation so allowed would stand withdrawn with retrospective effect and the property in question shall automatically vest with the Lessor.

Yours faithfully,

Deputy Director (CS), D.D.A.

Copy to :-

1. The Hony. Secy./President Anand Niketan CHBS Ltd. Anand Niketan Club, Anand Niketan, New Delhi-110021.
2. Assistant Commissioner of Incometax, CR Building, I.P. Estate, New Delhi.
3. Smt. Sarla Malik W/o Late Shri O.P. Malik, R/o H.No. 1270, Sector-18-C, Chandigarh, Punjab.
4. Smt. Rakha Bector W/o Sh. Ravinder Paul Bector & D/o Late Sh. O.P. Malik R/o 11, Naagar Enclave, New Officers Colony, Patiala, Punjab.

TRUE COPY Deputy Director (CS), D.D.A.



4. Learned counsel appearing for the petitioner further has drawn the attention of this Court to the judgment, attached as *Annexure P-11*, titled as “*Ashok Kapoor and Ors. Versus Municipal Corporation of Delhi*”, reported as *MANU/DE/1675/2003*.
5. By referring to the aforesaid judgment, learned counsel appearing for the petitioner submits that where the property is segregated into different portions and mutated accordingly, there is no requirement of all the co-owners to sign the Building Plan.
6. Responding to the present writ petition, learned counsel appearing for the respondent no. 1-MCD submits that the petitioner has applied online for a fresh Building Plan on 07th October, 2025. Furthermore, the application of the petitioner for Sanctioned Building Plan has been processed and that appropriate order shall be passed, within the stipulated time, in accordance with law.
7. Considering the submissions made before this Court, it is directed that at the time of considering the application of the petitioner for Sanctioned Building Plan, the MCD shall take into account, the mutation in favour of the petitioner, as reproduced, hereinabove, and also the judgment of this Court in the case of *Ashok Kapoor (Supra)*.
8. Needless to state, in case of any objection, the same shall be duly communicated to the petitioner, who shall be granted opportunity to file any reply, in regard thereto.
9. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 16, 2025/SK