

\* **HIGH COURT OF DELHI : NEW DELHI**

+ **LPA No. 350 of 2003**

Judgment reserved on: April 20, 2010

% Judgment delivered on: May 05, 2010

Municipal Corporation of Delhi  
Through its Commissioner  
Town Hall  
Chandni Chowk  
Delhi.

...Appellant

Through: Ms.Madhu Tewatia with Ms.Sidhi  
Arora, Advs.

Versus

1. M/s. LMN Investments & Agriculture Pvt. Ltd.  
Having its Registered office at  
Block-L, Connaught Circus  
New Delhi-110001.

2. Delhi Development Authority  
Through its Vice Chairman  
INA Vikas Sadan  
New Delhi.

3. Government of NCT  
Through its Chief Secretary  
Secretariat, I.P Estate  
New Delh-110001.

...Respondents

Through: Mr. N.S. Vasisht, Adv.

Coram:

**HON'BLE THE ACTING CHIEF JUSTICE  
HON'BLE MS. JUSTICE MUKTA GUPTA**

- |  |               |
|--|---------------|
| 1. Whether the Reporters of local papers may be allowed to see the judgment? | Yes           |
| 2. To be referred to Reporter or not?  | Not necessary |
| 3. Whether the judgment should be reported in the Digest?                    | Not necessary |

**MADAN B. LOKUR, ACJ**

The Appellant is aggrieved by an order dated 25<sup>th</sup> February, 2003 passed by a learned Single Judge in CWP No. 7749/1999.

2. The writ petition filed by the Respondent was allowed by the learned Single Judge relying upon *M/s. Holistic Farms Pvt. Ltd. v. MCD and others, 2003 (1) AD Del 491*. Since an appeal preferred by the MCD has been allowed by us today in LPA No. 268/2003, this appeal must also be allowed. Accordingly, the appeal is allowed and the impugned judgment and order dated 25<sup>th</sup> February, 2003 is set aside.

3. We may note one significant difference between this appeal and the case of M/s Holistic Farms. In this case, the building plans of the Respondent were rejected by the Corporation on 11<sup>th</sup> November, 1999 well before the notifications dated 7<sup>th</sup> June, 2000 and the letter

dated 8<sup>th</sup> June, 2000 were issued. This actually places the Respondent in a worse position than M/s Holistic Farms but we need not go any further in this regard.

4. It may be noted that an issue has been raised by the Corporation that the plot of the Respondent was situated in an urban area and not in a rural area. It is not necessary for us to go into that issue at all in view of our decision on merits. We, therefore, leave this issue open for a decision at an appropriate stage, if the need arises.

5. No other submission was made before us.

6. The appeal is allowed and the impugned judgment and order dated 25<sup>th</sup> February, 2003 in CWP No. 7749/1999 is set aside. No costs.

**(MADAN B. LOKUR)**  
**ACTING CHIEF JUSTICE**

**MAY 05, 2010**  
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**(MUKTA GUPTA)**  
**JUDGE**