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

CNR No. DLHC011049632025

+ **CONT.CAS(C) 1946/2025**

MUKESH PHUTELA & ORS.

.....Petitioners

Through: Mr. Sanskar and Mr. Vinay, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH
COMMISSIONER & ANR.**

.....Respondents

Through: Mr. Abhinav Singh, Sc with Mr. Pearl
Khurana, Adv. for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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31.08.2026

1. The present petition has been filed alleging wilful disobedience of the order dated 24th February, 2025 passed in *W.P.(C) 11425/2024*, wherein, it had been directed as follows:

“xxx xxx xxx

4. After hearing the counsels for the parties and looking at the points of disputes in question and with the consent of the parties, it is directed that MCD shall de-seal the subject property for a period of 30 days from today to enable the Petitioners to remove the *malba* lying in the property, as also to self-demolish the columns on the Ground Floor and the Basement. Property will be re-sealed thereafter.

5. Petitioners are permitted to apply for a fresh sanction plan for the proposed building and as and when the building plan is sanctioned by MCD, Petitioners may move an application before MCD for de-sealing the property for the purpose of construction in consonance with the sanction plan.

xxx xxx xxx”

2. A Status Report has now been filed on behalf of the Municipal



Corporation of Delhi (“MCD”), wherein, it is stated as follows:

“xxx xxx xxx

4. That in compliance of the order dated 24.02.2025 in WP(C) No. 11425/2024, the property had been de-sealed temporarily for a period of 30 days from 28.04.2025 to 27.05.2025 for the purpose of removing the melba lying in the property and to self demolished the columns on the ground floor and basement.
5. That the petitioner has removed the malba and also self demolished the column on the ground floor and basement. Thereafter, the property had once again been re-sealed on 27.05.2025.

6. That vide order dated 24.02.2025 passed in WP (C) No. 11425/2024 the Hon'ble Court has clearly permitted the petitioner to *apply for a fresh Sanction Building Plan for the proposed building and has further directed that as and when the building plan is sanctioned by MCD, Petitioner may move an application before MCD for de-sealing the property for the purpose of construction in consonance with the Sanction Plan.* However, the petitioner has failed to comply with the said directions as no fresh sanction plan in respect of Property No. E-16/644, Bapa Nagar Tank Road, Karol Bagh, New Delhi has been obtained by the petitioner as per the record of the Building Department, Karol Bagh Zone, MCD. It is further submitted that the subject property can only be de-sealed permanently after obtaining fresh sanction building plan as directed by the Hon'ble Court vide order dated 24.02.2025 in WP (C) No. 11425/2024.

xxx xxx xxx”

3. Perusal of the aforesaid Status Report clearly shows that pursuant to the directions of this Court, the property in question, i.e., E-16/644, Bapa



Nagar, Tank Road, Karol Bagh, New Delhi was de-sealed temporarily by the MCD for a period of thirty days.

4. After the property was de-sealed, the petitioner has already removed the *malba* and has also demolished the columns on the ground floor and basement, and the property has been re-sealed by the MCD on 27th May, 2025.

5. On a pointed query by this Court, learned counsel appearing for the respondent-MCD submits that as on date there is no unauthorized construction existing in the property in question.

6. Accordingly, if that be the case, the MCD is directed to forthwith de-seal the property. However, it is clarified that any further construction in the property shall be carried out by the petitioner only after obtaining a sanctioned building plan from the MCD.

7. Accordingly, the petitioner is directed to approach the Deputy Commissioner of the Karol Bagh Zone for the purpose of de-sealing of the property.

8. The property shall be de-sealed by the MCD after following the due procedure, in accordance with law.

9. It is directed that the petitioner shall not misuse the property in any manner whatsoever and shall not carry out any unauthorized construction in the property.

10. With the aforesaid directions, the present petition is accordingly, disposed of.

MINI PUSHKARNA, J

AUGUST 31, 2026/KR