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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8613/2016**
KARTAR SINGH

..... Petitioner

Through Mr. P. S. Dutta, Senior Advocate with
Mr. Himanshu Shama and Ms. Aditi
Sharma, Advocates

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through Mr. Nikhil Jain and Mr. Ashutosh
Ghade, Advocates for SDMC

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **07.03.2017**

W.P.(C) 8613/2016 and CM APPL. No. 46554/2016

Petitioner before this Court is Kartar Singh. He is aggrieved by the sealing action which has been taken qua his property bearing no. 29D/2A, Ward No.1, Mehrauli, New Delhi. Submission is that the property bearing no. 29D/2A, Ward No.1, Mehrauli, New Delhi is distinct from property bearing no. 29D/1, Ward No.1, Mehrauli, New Delhi; property bearing no. 29D/1 is owned by one Anwar Malik; vacation notice had been issued qua that property. Submission is that the respondent Corporation is confused on this count.

The counter affidavit of the respondent / SDMC is on record. As per the stand of the Department property bearing no. 29D/2A and 29D/1 are one and the same property. This factum is vehemently disputed by the counsel

for the petitioner.

Be that as it may, noting that the petitioner is aggrieved by the order of sealing which order is appealable under section 347B(m) of the Delhi Municipal Corporation Act, 1957 this Court is of the view that the petitioner should approach the appellate body which would be ATMCD.

The ATMCD will return a finding of these submissions and counter submissions of the parties i.e. as to whether the property bearing no. 29D/2A, Ward No.1, Mehrauli, New Delhi and property bearing no. 29D/1, Ward No.1, Mehrauli, New Delhi are one and the same property. The submission of the petitioner that they are protected under the Government of National Capital Territory of Delhi Act, 1991 shall also be considered by the ATMCD.

This petition is disposed of with liberty granted to the petitioner to approach the ATMCD. Petitioner will file his petition before the ATMCD positively within a period of two weeks and in this interregnum period no coercive steps will be taken against the petitioner.

Petition disposed of in the above terms.

INDERMEET KAUR, J

MARCH 07, 2017

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