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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10159/2017**

NAND KISHORE BHASIN AND ORS. Petitioners
Through: Counsel (appearance not given).

versus

GOVT. OF NCT OF DELHI AND ORS Respondents
Through: Ms. Jyoti Taneja, Adv. for R1.
Ms. Puja Kalra, Adv. for North MCD.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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10.01.2018

W.P.(C) 10159/2017

The present petition has been filed by the petitioner with the following prayers:

“It is, therefore, most respectfully prayed that this honourable court may graciously be pleased to:

- 1) *Issue writ of mandamus directions to respondent number 2 to de seal the properties sealed illegally for all the properties mentioned as above.*
- 2) *Issue the Writ of Mandamus for stopping the illegal sealing Drive which is been carried out against the principle of natural justice, violation of article 19(1)(g) & 21 of the Constitution of India, THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) SECOND ACT, 2011 and without following the procedure of law as laid down in the DMC Act in the area of Mukherjee Nagar, Delhi – 110009.*
- 3) *Issue contempt notice to the Deputy Commissioner of MCD for illegally passing the sealing orders citing the*

case of Sanjay Singhal pending before the Hon'ble Chief Justice of Delhi High Court particularly when no such orders for sealing have been passed by the Hon'ble High Court.

- 4) *Issue appropriate writ for taking action against the officers responsible for illegal sealing drive.*
- 5) *Pass any other order / Directions as this honourable court meeting fit and proper in the facts and circumstances of the case."*

Learned counsel for the respondent NDMC has taken an objection regarding the maintainability of the petition in this Court on the ground remedy of appeal is available to the petitioner before the Tribunal (MCD). She states, similarly situated persons have been relegated to the Tribunal by this Court in W.P.(C) No. 9868/2017.

In view of the fact that this Court has relegated similarly situated persons to the Tribunal, there is no reason for this Court to take different view. This Court is also of the view that the remedy before the Tribunal would be an efficacious remedy for the petitioner.

The petition is dismissed as withdrawn with liberty to the petitioner to approach the Tribunal. If such an appeal is filed, it is expected that the Tribunal shall dispose of the appeal as expeditiously as possible.

CM. Nos. 45588/2017 and 968/2018

In view of the order passed in the writ petition, these applications have become infructuous and dismissed as such.

V. KAMESWAR RAO, J

JANUARY 10, 2018/jg