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

% Judgment delivered on: 09th February, 2021

+ W.P.(C) 9209/2020 & CM APPLN. 29711-12/2020

DR. PIRTHIPAL SINGH BHANDARI & ANR. Petitioner

versus

COMMISSIONER SOUTH DELHI MUNICIPAL
CORPORATION

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Arvind Kumar, Advocate

For the Respondents: Mr. Ajjay Arora, Standing Counsel, SDMC

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to the respondent-Corporation to forthwith de-seal the premises of the petitioner and also quash the order dated 31.05.2019 calling upon the petitioner to make payment of user charges/penalty with regard to the sealed property. Further petitioner seeks compensation for the loss suffered on account of the alleged illegal act of sealing of the property.
3. Learned counsel for the petitioner relies on order of the Division Bench of this court dated 29.06.2007 read with order dated

17.09.2008 passed in W.P. (C) 4668/2007 titled '*Delhi Medical Association Vs. MCD*' wherein the notifications of the Corporation seeking to impose annual charges on Nursing Homes as well as Medical Practitioners was kept in abeyance. It is stated that the Writ Petition is still pending and the interim order is still in force and in view thereof the premises of the petitioner could not have been sealed or penalty demanded.

4. It is noticed that the Premises of the petitioner was sealed on 23.05.2018 and thereafter petitioner made a representation to the Commissioner – MCD and even gave a representation to the Monitoring Committee appointed by the Supreme Court.

5. Learned counsel appearing for the respondent-Corporation submits that the property was sealed as per the directions issued by the Monitoring Committee appointed by the Supreme Court.

6. It is also noticed that the petitioner had also filed an application before the Monitoring Committee for permanent de-sealing of the subject property which has been registered as Case No. 220/2019.

7. The Monitoring Committee by its order dated 22.01.2020 has allowed permanent de-sealing of the subject property subject to payment of a penalty amount of Rs. 35,84,272/- and petitioner filing an undertaking in the form of an affidavit, to seek regularization on the expiry of the protection period.

8. Since the petitioner has already approached the Monitoring Committee and the Monitoring Committee by its order dated 22.01.2020 has already passed an order permitting permanent de-sealing subject to payment of penalty charges, it is not open to the petitioner to file a Writ Petition before this Court.

9. In case petitioner is aggrieved by the directions of the Monitoring Committee, or seeks any modification of the order passed by the Monitoring Committee, the remedy, if any, of the petitioner would be to either approach the Monitoring Committee or the Supreme Court.

10. Petition is accordingly dismissed. It is clarified that this Court has neither considered nor commented upon the merits of the case of the petitioner.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 9, 2021
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