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

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Judgment delivered on: 09.03.2022

+ W.P.(C) 13109/2021 & CM APPL. 41332/2021

JITENDER KUMAR

..... Petitioner

versus

SOUTH DELHI MUNICIPAL CORPORATION THROUGH ITS
COMMISSIONER

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Jairaj Singh, Advocate.

For the Respondent: Mr. Ashutosh Gupta, ASC, SDMC.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks a direction to restrain the respondent from sealing the subject premises of the petitioner being ground floor front side, second floor front side of building bearing Plot no.3, Block No. A, New Delhi, South Extension Scheme, Part-II and further seeks compounding of the application qua the deviations.

2. Learned counsel appearing for the respondent submits that the remedy of the petitioner is to approach the Appellate Tribunal, MCD and impugn the order of sealing. With regard to the application for compounding, he submits that as per his instructions, no such application has been received however, in case any such application is received, same



shall be disposed of in accordance with law.

3. In view of the above, learned counsel for the petitioner seeks to withdraw the petition with liberty to approach the Appellate Tribunal MCD.

4. He, however prays that two weeks' time be granted to the petitioner to approach the Appellate Tribunal, MCD.

5. In view of the above, the petition is dismissed as withdrawn with liberty as prayed for.

6. It is however clarified that for a period of two weeks or till the time the appeal of the petitioner is listed before the Appellate Tribunal, MCD whichever is earlier, no further action shall be taken against the property of the petitioner.

7. It is clarified that this order shall inure to the benefit of the petitioner only for a period of two weeks or till his application is listed before the Appellate Tribunal MCD, whichever is earlier.

8. Continuance of interim protection thereafter shall be subject to orders to be passed by the Appellate Tribunal, MCD without being influenced by anything stated in this order.

9. Petition is disposed of in the above terms.

SANJEEV SACHDEVA, J.

MARCH 09, 2022

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