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

+ **W.P.(C) 898/2024 & CM APPL. 16784/2024**

JYOTI RUBBERS PVT LTD.

..... Petitioner

Through: Mr. N.S. Vasishta, Mr. M.P.
Bhargava and Mr. Aashu Tyagi,
Advs.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Mr. Abhinav Shokeen, Adv. for MCD
(through v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

18.03.2024

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W.P.(C) 898/2024 & CM APPL. 3751/2024

1. The present petition seeks quashing of an order dated 22.12.2023, passed by the Deputy Commissioner South Zone, for sealing of the property of the Petitioner comprised in Khasra No.619/85, near MCD Primary School Village Chattarpur New Delhi-110074.
2. Admittedly, an appeal has been filed by the petitioner against the aforesaid sealing order which is stated to be pending before the ATMCD.
3. After some hearing, learned counsel for the petitioner submits that the grievance of the petitioner regarding legality of the aforesaid sealing order shall be agitated by the petitioner before the ATMCD. In these proceedings, he only seeks a limited relief that the premises in question be temporarily de-sealed to enable the petitioner to remove the valuable goods which are stated to be lying in the property in question.



4. It is submitted that the non-availability of the said goods is irreparably impacting the business of the petitioner. It is submitted that if the goods are not allowed to be removed, there is an imminent possibility of the same being irreparably damaged.

5. In the circumstances, the present petition is disposed of with liberty to the petitioner to agitate its grievance as regards sealing order dated 22.12.2023, in the pending proceedings before the ATMCD. Needless to say, the ATMCD shall decide the appeal after taking into account the contentions of the petitioner, and in accordance with law, and without being influenced by any observations at the interim stage.

6. Further, it is directed that in order to enable the petitioner to remove its goods from the premises in question, respondent no.1 shall temporarily de-seal the same for a period of one week. At this stage, learned counsel for the MCD submits that the respondent/MCD shall temporarily de-seal the property on 26.03.2024 at 11.30 AM; the premises be re-sealed after one week thereof. It is made clear that during the aforesaid period, the premises shall be used only for removing the goods lying therein, and for no other purpose.

7. With the aforesaid directions, the present petition, along with pending application/s, stands disposed of.

SACHIN DATTA, J

MARCH 18, 2024/at