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

+ **W.P.(C) 1595/2024**

JYOTI CHADHA & ORS.

..... Petitioner

Through: Mr. Shekhar Nannvaty, Ms. Shivani
Rana and Mr. Vineet Anand, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through: Mr. Ajjay Arora, SC for MCD along
with Mr. Kapil Dutta and Mr. Vansh
Luthra, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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05.02.2024

1. The present petition filed by the petitioners seeking de-sealing of the basement of the Shop No. 4 & 5, basement of the property bearing no. 13/12, W.E.A. Karol Bagh New Delhi-110005.
2. It has been averred in the petition that the aforesaid building has been constructed after getting building plan duly sanctioned. It is submitted that the petitioners purchased their respective portion of the premises from the builders of the property and the sale deeds were executed with the office of Sub-Registrar Daryaganj, Delhi after paying the requisite stamp duty.
3. It is contended that the builder represented to the petitioners that the property is free from encumbrances etc. It is further contended that till August 2021, the petitioners were in peaceful possession of the aforesaid property, however, the respondent is stated to have sealed the premises in August 2021 without even serving a show cause notice to the petitioners.



4. After some hearing, learned counsel for the petitioners seeks that the present petition be treated as a representation by the respondent and the request for de-sealing of the premises be considered by the respondent.
5. Learned counsel for MCD, who appears on advance notice submits that the property was initially booked for unauthorised construction on 02.01.2017 and was sealed on 14.07.2021. Thereafter, again when the seals were found tempered, the property was re-sealed on 30.09.2021. However, learned counsel for the MCD has no objection to the present petition being treated as a representation.
6. Accordingly, the present petition is disposed of with the direction to MCD to consider the present writ petition as a representation; let the concerned Executive Engineer, Karol Bagh provide an opportunity of hearing to the petitioner and also supply the copy of sealing order/s passed in respect of the property in question to the petitioners. Let a reasoned order be passed thereafter taking into account the pleas of the petitioner, within a period of 4 weeks from today.
7. In case the petitioner is aggrieved with the outcome of the aforesaid exercise, it shall entitled to avail appropriate legal remedies in accordance with law.
8. Respective counsel for the parties jointly request that the petitioners be directed to appear before the concerned Executive Engineer on next Monday at 2.00 PM. It is directed accordingly.
9. The present petition is disposed of in the above terms.

SACHIN DATTA, J

FEBRUARY 5, 2024/AT