



\$~47

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

+ **W.P.(C) 3300/2023**

BHARAT BHUSHAN GUPTA

.....Petitioner

Through: **Mr.Rakesh Kumar and Mr.Bharat
Bhushan, Advs.**

versus

**DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD. AND ORS**

.....Respondents

Through: **Mr.Vikrant N. Goyal with Ms.Satvika
Goyal, Advs for R-1.
Mr.Harsh Singhal, Mudgdha Avnish
Sharma and Mr.Utkarsh Singhal,
Advs for MCD.
Mr.Manish Srivastava with
Mr.Moksh Arora, Advs for TPDDL.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

13.08.2024

1. The instant writ petition relates to de-sealing of the property situated at 19-A & 20-A of Khasra No. 39/8 out of total area admeasuring 333 sq. yards situated in the Abadi of Teacher Colony, Samaipur, Delhi-110042.
2. This Court, in W.P.(C) 6154/2024, while placing reliance on a decision passed by the Supreme Court has relegated the parties to the judicial committee appointed by the Supreme Court.
3. Order dated 14.05.2024 in W.P.(C) 6154/2024 reads as under:-
" 1. The present petition seeks de-sealing of the property of petitioner



bearing No.D-97, Lord Krishna Road, Adarsh Nagar, Delhi. The said property is stated to be lying sealed since 2018. The property is stated to have been sealed in terms of the orders passed by the Supreme Court in case titled as *M.C. Mehta vs. UOI* in W.P.(C) 4677/1985.

2. Vide a speaking order dated 19.12.2023 passed by the MCD pursuant to the order dated 22.02.2023 passed by this court in W.P.(C) 14426/2022, it has been inter-alia held as under:

“Whereas the list of 21960 properties was submitted before the Hon’ble Supreme Court of India in the case of “*M.C. Mehta Vs Union of India & Ors.*” WPC 4677/1985 and the Hon’ble Supreme Court vide order dt. 26.11.2018 in the above case took note of affidavit filed by Ld. Commissioner of SDMC regarding closure of 21960 non permissible industries operating in residential and non-confirming areas, in the said order the Hon’ble court held that “none of these 21960 industrial units should be allowed to reopen without permission of this court. Appellant is advised to approach the monitoring/screening committee for permanent de-sealing as per procedure in force.

In view of aforesaid, the application/representation of applicant for permanent de-sealing of subject property i.e. D-97, Lord Krishna Road, Adarsh Nagar, Delhi is not maintainable and is liable to be dismissed.

Therefore I, B.P. Bhardwaj, Deputy Commissioner, Civil Lines zone having the delegated powers of the Commissioner, MCD u/s 491 of DMC Act, hereby dismiss/reject the representation of applicant for de-sealing of subject property being non maintainable before undersigned.”

3. Learned counsel for the petitioner contends that the petitioner’s property is liable to be de-sealed as no offending activities/misuse was ever done from the premises in question. It is submitted that the petitioner was operating a printing press from the concerned premises prior to the property being sealed.

4. Learned counsel for the MCD submits that the jurisdiction to entertain any request for de-sealing of the property in question is with the Judicial Committee appointed by the Supreme Court vide order dated 13.09.2022 passed in *M.C. Mehta* (supra).

5. Specific attention is drawn to the following portions of the order dated 13.09.2022 passed by the Supreme Court in *M.C. Mehta* (supra):

“The Judicial Committee will have jurisdiction to hear a challenge to these orders, decisions and recommendations of both the Monitoring Committees constituted by this Court vide orders dated 24.03.2006 and 07.05.2004 resulting in action by the Municipal Corporations and Regulatory Committees in respect thereof. The subject matters are as under:

- i) Sealing and de-sealing of properties;
- ii) Regularization and/or levy of penalties or conversion charges;
- iii) Demolition of unauthorized construction; and
- iv) Directing the removal of encroachment.”

6. In view of the aforesaid, the present petition is disposed of with



liberty to the petitioner to approach the Judicial Committee appointed by the Supreme Court vide the aforesaid judgement/order dated 13.09.2022, which shall consider the request of the petitioner for de-sealing of the premises in question.

7. *With the aforesaid directions, the present petition is disposed of."*

4. In view of the aforesaid, the petitioner has to approach the judicial committee for ventilation of his grievance.
5. All rights and contentions are left open. The petitioner shall be at liberty to take necessary steps in accordance with law.
6. Accordingly, the instant writ petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 13, 2024/MJ