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

+ W.P.(C) 9053/2023 & CM APPLs. 34465/2023, 42908/2023,
25414/2024

SH. SUNIL AGGARWAL

.....Petitioner

Through: Mr. V.P. Rana, Ms. Bhawna and Ms.
Anuja Negi, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mohd. Irsad, ASC for GNCTD with
Ms. Nasreen, Mr. Kunal Raj,
Advocates for R-1.
Mr. Parvinder Chauhan, SC with Ms.
Mahima Anand and Ms. Hema
Sukhija, Advocates for R-2.
Ms. Ruchika Rathi, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.08.2024

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1. The Petitioner asserting ownership over property bearing Municipal No. 5000, 5001, 5042 situated in Ward No. XII, Chaman Ganj, Roshanara Road, Subzi, Mandi Delhi, has approached this Court against the sealing order dated 15th May, 2023¹ with respect to the property bearing no. 5042 ward No. XII near Mata Mandir Chowk, Arya Pura Subzi Mandi, Delhi. The contention of the Petitioner is that the action of sealing is in violation of Section 41 and 42 of DUSIB Act, 2010. Moreover, it is asserted that the



Petitioner has purchased this property through Sale Deed dated 10th June, 2022 and therefore the subject property is a ‘private property’ and thus the Respondent No.2 does not have jurisdiction over the same and consequently no sealing order could not have been passed by them.

2. The Land and Building Department/ Respondent No. 3 has filed a status report confirming that the subject property was sold in auction to one Sh. Asha Singh, son of Sh. Boota Singh on 4th May, 1956. The Sale Certificate issued on 22nd August, 1972 thereby affirming its status as private property.

3. The Petitioner has substantiated their ownership through a sequential chain of title: Post the initial sale to Sh. Asha Singh, the property underwent subsequent transactions through three separate sale deeds in 1992 to Sh. Pritam Singh and Smt. Surender Kaur, who later transferred it to the Petitioner on 10th June, 2022. Examination of these documents confirms the Petitioner’s acquisition of the properties, including No. 5042, which has been sealed under the impugned order.

4. Given the status of private ownership of the property, DUSIB lacked lawful authority to impose sealing, as such jurisdiction does not extend to privately owned estates under the legislative framework of the DUSIB Act, 2010. Accordingly, the impugned order cannot sustain, and the present petition must succeed.

¹ “Impugned Order”



5. Accordingly, the present petition is allowed, and the impugned order dated 15th May, 2023 passed by Respondent No. 2/ DUSIB is quashed. The order dated 11th July, 2023 directing status quo of the property is hereby vacated.

6. Disposed of along with pending applications.

SANJEEV NARULA, J

AUGUST 2, 2024

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