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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7785/2024 and CM APPL.32276/2024 (Stay)**
AJEET SINGH ATTRI Petitioner
Through: Mr. K. K. Sharma, Sr. Adv. along with
Dr. Ajay Chaudhary, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ANR..... Respondents
Through: Mr. Vikas Chopra, Adv. (SC for
MCD) along with Ms. Anita Mishra
and Ms. Khushi, Adv. for R-1/MCD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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28.05.2024

1. The present petition has been filed by the petitioner being aggrieved with a sealing order bearing No.D/28/MU/DC/Bldg/SZ/2023 dated 25.07.2023 passed by the Deputy Commissioner, South Zone, MCD, Green Park, New Delhi with regard to “the Hutan Cafe” at property bearing Plot No.3, Kh. No. 208-146-2, Neb Valley, IGNOU Road, Village Neb Sarai, New Delhi-110062.
2. During the course of hearing, it transpires that the sealing action was taken pursuant to a complaint being received from the Monitoring Committee constituted by the Supreme Court in W.P.(C) 4677 of 1985.
3. The petitioner availed the remedy of assailing the sealing order before the Appellate Tribunal, MCD (‘ATMCD’) which, however, did not entertain the appeal, and instead relegated the petitioner to the Judicial Committee appointed by the Supreme Court *vide* order dated 15.12.2017, passed in W.P.(C) 4677 of 1985.
4. Subsequently, upon the petitioner approaching the said Judicial



Committee, it was held by the said Judicial Committee that it does not have jurisdiction with regard to the sealing action taken by the MCD.

5. Accordingly, it is contended by the learned senior counsel for the petitioner that the petitioner has been rendered remediless. He further submits that no opportunity of hearing whatsoever was given to the petitioner before the sealing action was undertaken.

6. He further submits that the sealing order appears to be based on an apparent legal and factual misconception inasmuch as few months prior to the sealing action being taken, the MCD itself granted a Health Trade License to the petitioner for the purpose of running a cafe in the property in question.

7. In the above conspectus, it is directed that the present petition shall be considered as a representation by the MCD and the same shall be disposed of *vide* a speaking order after affording an opportunity of hearing to the petitioner. Let a hearing be granted to the petitioner within one week and a speaking order be passed within a period of 4 weeks from today.

8. If so warranted upon conclusion of the aforesaid exercise, the property in question shall be de-sealed forthwith.

9. In case the petitioner has any grievance with the speaking order that may be passed, he shall be entitled to avail appropriate remedies, in accordance with law.

10. The present petition, along with pending application/s, is disposed of in terms of the above directions.

SACHIN DATTA, J

MAY 28, 2024/r