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

+ **W.P.(C) 13707/2023**

MOHD. JAMSHED ALAM

..... Petitioner

Through: **Mr. B. S. Chowdhary, Adv. (through VC)**

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER & ORS.**

..... Respondents

Through: **Mr. Anuj Chaturvedi, SC for MCD
alongwith Ms. Shreya Manjari, Adv.
for MCD.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

09.05.2024

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1. The present petition has been filed seeking setting aside of the impugned action of sealing dated 10.05.2016 undertaken by respondents in respect of petitioner's property bearing No.D-2/5, Gali No.4, Main Service Road 3rd pusta New Usmanpur Delhi-110053. It is further sought that respondents be directed to de-seal the petitioner's property.
2. Perusal of the record shows that the sealing action was undertaken pursuant to a show cause notice No. DC/SH-N/B-/2016/D-23 dated 26.04.2016 issued under Section 345A of the DMC Act, 1957.
3. Learned counsel for the petitioner does not dispute that the said show cause notice dated 26.04.2016 is appealable before the ATMCD under Section 347B of DMC Act, 1957.
4. In the facts and circumstances of the present case, there is no justification whatsoever for bypassing the prescribed appellate remedy.



5. Accordingly, the present petition is dismissed, however with liberty to the petitioner to approach the ATMCD for appropriate relief.

6. It is made clear that this court has not expressed any opinion as regards the merits of the petition that may be filed by the petitioner before ATMCD.

SACHIN DATTA, J

MAY 9, 2024/hg