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

+ **CONT.CAS(C) 1916/2023 and CM APPL. 66549/2023**

RISHABH KUMAR JAIN & ANR.Petitioners

Through: Mr. Mahipal Singh Rajpal,
Adv. alongwith petitioner in
person

versus

**SANJIW KUMAR MISHRA, DEPUTY COMMISSIONER,
SHAHDARA NORTH ZONE, MCD & ANR.Respondents**

Through: Ms. Ann Joseph, Adv.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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04.07.2024

1. This hearing is being conducted through hybrid mode.
2. The petitioners are seeking initiation of contempt proceedings against the respondents for wilful disobedience and violation of order dated 13.10.2022 passed by the learned Appellate Tribunal MCD (ATMCD), which order on being challenged by the MCD has been sustained in Appeal No. 13/2020 preferred before the learned Principal, Appellate Tribunal, MCD i.e. learned Principal District and Sessions Judge, North-East District, Karkardooma Courts, Delhi, vide judgement dated 16.09.2023.
3. The grievance of the petitioner is that despite the said orders which have been passed in his favour, the property is still lying sealed and he has not been allowed to use and occupy the same.
4. Learned counsel for the respondents submits that the property in question had been sealed pursuant to directions passed by the Judicial Committee of the Supreme Court and the petitioner should approach



the Judicial Committee for de-sealing of the property in question. Evidently, the impugned de-sealing order was passed by the MCD and not by any Special Task Force or the Judicial Committee of the Supreme Court. Therefore, the plea advanced by the learned counsel for the respondent is not sustainable.

5. Anyhow, since a Presiding Officer has been posted in the ATMCD, and the same is functioning, besides the fact that the ATMCD has ample powers to execute its own orders and directions in this regard, the present petition is disposed of with liberty to the petitioner to approach the learned ATMCD for seeking appropriate reliefs.

6. This order is passed without prejudice.

DHARMESH SHARMA, J.

JULY 04, 2024

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