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

+ W.P.(C) 13619/2024 & CM APPL. 57007/2024

AJEET SINGH ATTRI

.....Petitioner

Through: Dr. L.S. Chaudhary, Dr. Ajay Chaudhary, Mr. Bharat Chaudhary, Ms. Vinita and Ms. Monika, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ANR.

.....Respondents

Through: Ms. Umang Tyagi, ASC with Ms. Aditi Kapoor and Ms. Aishwarya Kapoor, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.09.2024

1. The petitioner by way of this petition filed under Article 226 of the Constitution of India, assails a sealing order dated 25.07.2023 by which the Municipal Corporation of India ["MCD"] has sealed a property bearing No. [Plot No. 3, Kh. No. 208-146-2, Neb Valley, IGNOU Road, Village Neb Sarai, New Delhi-110062] in which the petitioner was running a cafe.
2. A question has arisen with regard to the jurisdiction of this Court to entertain the petition.
3. The petitioner first assailed the sealing order before the Appellate Tribunal for the MCD ["ATMCD"]. The ATMCD, by an order dated



11.12.2023, noticed the submission of MCD that the sealing order has been passed pursuant to a complaint received from the Monitoring Committee constituted by the Supreme Court in *M.C. Mehta v. Union of India & Others*¹. The Supreme Court, by an order dated 15.12.2017², had directed that any challenge to a decision of the Monitoring Committee would lie before the Supreme Court only. The ATMCD, therefore, held that it had no jurisdiction to deal with the appeal. It gave liberty to the petitioner to approach the Judicial Committee constituted by order of the Supreme Court dated 13.09.2022 in *M.C. Mehta*³.

4. The petitioner did file an appeal before the Judicial Committee, but the Judicial Committee also held that it had no jurisdiction. By order dated 16.05.2024, it dismissed the appeal as not maintainable, holding as follows:

“1. The colony Neb Valley in which the subject property is situated has been excluded from the Notification ‘National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019.

2. The remedy of the appellant lies elsewhere.

3. The appeal is dismissed as not maintainable”

5. The petitioner then came to this Court in W.P.(C) 7785/2024. This Court passed an order dated 28.05.2024, directing that the petition would be considered as a representation for de-sealing of the property, and disposed of by the MCD by virtue of a speaking order.

6. The MCD has now passed a speaking order dated 05.09.2024,

¹ W.P (C) 4677/1985.

² Reported in (2018) 2 SCC 144.

³ Supra (note 1).



rejecting the representation on the ground that it has no jurisdiction to de-seal a property which has been sealed on directions of the Monitoring Committee. The order clearly records that proceedings were commenced on receipt of directions from the Monitoring Committee. The respondents thereafter noted the orders of the Supreme Court in *M.C. Mehta*⁴, and concluded that jurisdiction to consider de-sealing of the property would lie before the Monitoring Committee, the Judicial Committee or the Supreme Court.

7. Learned counsel for the MCD, who appears on advance notice, has also drawn my attention to a noting dated 26.02.2024 by the Monitoring Committee which *inter alia* directs the Department “to comply with the sealing orders immediately” and to submit a report to the Monitoring Committee.

8. The order of the Supreme Court dated 15.12.2017⁵ in *M.C. Mehta* states that any challenge to the decision of the Monitoring Committee would lie to the Supreme Court only. This direction has been reiterated in orders dated 07.09.2018, 27.11.2018 and 28.01.2019, which make it amply clear that this Court has no jurisdiction to entertain any petition in connection with matters relating to the Monitoring Committee. The order dated 28.01.2019, in fact, restrained this Court from doing so.

9. By a further order dated 13.09.2022, the Supreme Court constituted a Judicial Committee for the purpose of entertaining grievances against orders of the Monitoring Committee, subject to the jurisdiction mentioned in the said order.

⁴ Supra (note 1).

⁵ Supra (note 2), paragraph 38.



10. If these circumstances, and particularly having regard to the specific case of the MCD that the sealing order has been passed on the directions of the Monitoring Committee, this Court has no jurisdiction to entertain the writ petition.

11. The writ petition is, therefore, dismissed with liberty to the petitioner to take alternative remedies as available in law.

PRATEEK JALAN, J

SEPTEMBER 27, 2024/MR/