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

+ W.P.(C) 16897/2024

MANJU RAWAT

.....Petitioner

Through: Appearance not given.

versus

COMMISSIONER MUNICIPAL CORPORATION
OF DELHI & ANR.

.....Respondents

Through: Mr. Rajan Tyagi, SC with Mr.
Harpreet Singh Sodhi, Mr. Samar
Partap Singh, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.12.2024

CM APPL. 71596/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 16897/2024 & CM APPL. 71595/2024 (for ex-parte ad-interim order)

1. The petitioner has filed this writ petition for a direction upon the Municipal Corporation of Delhi ["MCD"] to de-seal two rooms of the house property of the petitioner at *Khasra No. 118/7, Plot No. 22, House No. 28, Street No. 1, Block-C, Parvatiya Anchal Colony, Sant Nagar, Burari, Delhi-110084* ["subject property"], and not to take further coercive action on the petitioner or her property.

2. It appears from the writ petition itself that the subject property is



located in an unauthorised colony.

3. Almost nine years ago, an order dated 18.12.2015 was passed under Section 343 of the Delhi Municipal Corporation Act, 1957 [“the Act”] proposing demolition of the unauthorised construction in the subject property.

4. Learned counsel for MCD, who appears on advance notice, states that sealing proceedings were thereafter initiated by a show cause notice dated 19.07.2023. As no reply was received to the show cause notice, a sealing order was passed on 11.08.2023 and sealing action was taken on 22.07.2024. In the interregnum, attempts were made to seal the subject property on three occasions, but could not be completed for want of police assistance.

5. Copies of the aforesaid show cause notice and sealing order are handed over to the Court Master and taken on record. Copies will also be handed over to the learned counsel for the petitioner in the course of the day.

6. Learned counsel for the petitioner contends that the sealing of the premises is contrary to the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019.

7. The sealing orders are appealable under Section 347B of the Act.

8. As the sealing action has been taken pursuant to an appealable order, I am of the view that the petitioner has to be relegated to her remedies before the Appellate Tribunal for the MCD [“ATMCD”].

9. The writ petition, alongwith the pending application, is therefore disposed of with the direction that the petitioner may approach the



ATMCD against the sealing order 11.08.2023. All rights and contentions of the parties on limitation and on merits are left open for consideration by ATMCD.

PRATEEK JALAN, J

DECEMBER 6, 2024

“Bhupi/JM”/