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

+ W.P.(C) 4784/2025, CM APPL. 22019/2025

KAILASH JAIN

.....Petitioner

Through: None

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Harshit Chopra and Mr. Gaurav
Kumar, Advocates for R-1

M:9911543883

Mr. Aditya Vaibhav Singh, Mr.
Ashutosh Kumar Tiwari and Ms. Riya
Parihar, Advocates for R-2

Mr. Vijay Joshi and Mr. Shubham
Chaturvedi, Advocates for R-3

M:9873677817

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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15.05.2025

1. Learned counsel appearing for Mr. Anish Jain, submits that the present writ petition pertains to property bearing no.76, Guru Ramdas Marg, Gurudwara Road, Laxmi Nagar, Delhi-110092. He submits that in view of the present petition, the Municipal Corporation of Delhi ("MCD") has wrongly put a seal on the property of his client, which is numbered 7A, *Shivaji Gali, Laxmi Nagar, Delhi-110092*.

2. He, thus, submits that action has wrongly been taken on the property of his client, when the present writ petition pertains to some other property number.

3. At this stage, learned counsel appearing for the MCD submits that the Status Report on behalf of the MCD has been filed. He submits that this



Court *vide* order dated 16th April, 2025, had directed that a joint inspection be carried out in order to identify the property, where unauthorized construction exists.

4. It is submitted that however, despite orders of this Court, the petitioner has not cooperated with the MCD, and joint inspection could not take place.

5. Learned counsel appearing for the MCD submits that neither has the petitioner cooperated with the MCD in any inspection, nor the petitioner is traceable.

6. Having heard the learned counsels, this Court notes that *vide* order dated 16th April, 2025, following directions had been issued:-

“xxx xxx xxx

6. Learned counsel appearing for respondent no. 1/MCD submits that the officials of the MCD have not been able to trace any property as 76, Guru Ramdas Marg, as mentioned by the petitioner.

7. **Accordingly, the petitioner is directed to cooperate and coordinate with the officials of respondent no.1 in identifying the property in question, so that appropriate action, if any, can be taken by the MCD.**

8. Accordingly, this Court has requested learned counsel appearing for the petitioner to share his phone number and Email, which shall be reflected in today's order, so that the officials of the MCD can contact learned counsel appearing for the petitioner for the purposes of coordination with the petitioner.

9. **After inspection in the presence of the petitioner/learned counsel for the petitioner, the MCD is directed to file its Status Report, within a period of two weeks from today.**

xxx xxx xxx”

(Emphasis Supplied)

7. Thus, this Court had clearly recorded *vide* order dated 16th April, 2025, the statement on behalf of MCD that the property, as mentioned in the present writ petition, was not traceable. Therefore, the petitioner had been



directed to cooperate and coordinate with the MCD, in order to identify the property in question.

8. Clearly, as per the submission made by learned counsel for the MCD, the petitioner has neither cooperated with the MCD for joint inspection in terms of the directions of this Court, rather, as per the submission of learned counsel appearing for the MCD, the petitioner is not traceable.

9. This Court takes note of the submissions of learned counsel appearing for the respondent MCD that though no joint inspection could take place, however, on the basis of the photograph attached with the present writ petition, action has been initiated by the MCD for taking action against the property i.e. *7A, Shivaji Gali, Laxmi Nagar, Delhi-110092*, for unauthorized construction.

10. Learned counsel appearing for the respondent/MCD submits that the property has been sealed on 13th May, 2025.

11. Accordingly, learned counsel appearing for Mr. Anish Jain, owner of the property bearing no. *7A, Shivaji Gali, Laxmi Nagar, Delhi-110092*, is granted liberty to approach learned Appellate Tribunal MCD (“ATMCD”) to challenge the action of the MCD.

12. Learned counsel appearing for Mr. Anish Jain, submits that he may be granted 10 days to approach learned ATMCD.

13. Accordingly, considering the fact that the property registered in the name of Ms. Babita Jain w/o Mr. Anish Jain, the recorded owner, already stands sealed by the MCD, it is directed that no further coercive action shall be taken against the said property for a period of 10 days, in order to allow the recorded owners of the property, to approach the learned ATMCD.

14. None appears for the petitioner when the matter is called out.



15. Considering the submissions made before this Court, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

MAY 15, 2025/akr