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

+ **W.P.(C) 7710/2023 and CM APPL. 29802/2023**

SMT. SUMITRA SOLANKI

.....Petitioner

Through: Mr. Amit Gupta and Ms. Muskan
Nagpal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Vikas Chopra, Standing Counsel
and Ms. Anita R. Mishra, Mr. Neeraj Kumar and
Ms. Khushi, Advocates with Mr. Vimal Narayan,
A.E. and Mr. Vijay, J.E., Najafgarh Zone, for
Respondent No.1/MCD.

Mr. Sanjay Vashishtha, Ms. Harshita Rai,
Mr. Siddhartha Goswami and Ms. Gunjan Rathore,
Advocates for Respondent No.2/DDA.

Mr. Bhagvan Swarup Shukla, CGSC with
Mr. Satyam Singh, Advocate for Respondents No.3
and 4.

Ms. Meena Sehrawat, Advocate for Respondent
No.11.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.02.2025

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1. By this writ petition Petitioner seeks a direction to MCD to demolish the unauthorised construction raised and being carried out in Khasra Nos.74/14/1 and 72/17 falling in the unauthorised colony called Chotiyal Palam Village, Delhi by Respondents No.6 to 11 in violation of the statutory provisions.

2. Status report has been filed by MCD on 23.11.2023 in which it is



brought forth as follows:-

“5. That in addition to Status Report submitted by the answering Respondent before the Hon'ble Court on 01/08/2023, it is further submitted that the properties (which found under misuse) have been sealed by the answering Department in the presence of police force taken from Palam Police Station. The property-wise action taken report/status report is submitted as under:-

(i)	<i>Vardaan Blue Banquet/Garden, WZ-45-B, Kh.No.72/14/17/1, Village Palam</i>	<i>On 6/10/2023, sealing has been done at three points (one at entrance of Hall and two at entrance gate), vide Sealing File No.1050 dated 18/07/23</i>
(ii)	<i>Vardaan Green Banquet/Garden, WZ-45-B, Kh.No.72/14/17/1, Village Palam</i>	<i>On 6/10/2023, sealing has been done at one point of main entrance, vide Sealing File No.1049 dated 18/07/23</i>
(iii)	<i>Vardaan Gold (A Unit of RJS Banquets) Banquet/Garden, WZ-45-B, Kh.No.72/14/17/1, Village Palam</i>	<i>On 6/10/2023, sealing has been done at one point of main entrance (shutter), vide Sealing File No.1052 dated 18/07/23</i>
(iv)	<i>Riyasat Banquet, WZ-109-A, Gf, Front Side, Data Ram Marg, Palam Village</i>	<i>On 6/10/2023, sealing has been done at one point of main entrance, vide Sealing File No.1051 dated 18/07/23</i>
(v)	<i>Grand Sapphire, Plot No. WZ-117, Data Ram Marg, Palam Village, New Delhi</i>	<i>On 6/10/2023, sealing has been done at one point of main entrance, vide Sealing File No.1048 dated 18/07/23</i>
(vi)	<i>Honda (Bikes), WZ-45-B, Khasra No.72/14/17/1, Data Ram Marg, ChautiyalMohalla, Village Palam</i>	<i>On 9/10/2023, sealing action has been done at two points at shutters, vide Sealing File No.1053 dated 9/8/23</i>

The photographs of above mentioned properties, taken while taking sealing action, are annexed herewith as Annexure-R-1/A (colly.).”

3. Learned counsel for the Petitioner urges that the status depicted in the status report is factually incorrect. Counsel for MCD refutes this submission. In support of the status report, Mr. Vimal Narayan, Assistant Engineer and



Mr. Vijay, Junior Engineer, who have joined Court proceedings virtually submit that the status report depicts the clear position on ground and that none of the seals placed by MCD have been tampered or broken. It is also stated that the premises in question are not being used for any commercial activity and in fact, save and except, for a small portion of the subject property which is being used for residential purposes, there is no access for anyone to carry out any kind of activity.

4. This writ petition is disposed of taking the stand of MCD on record and holding that the statements made before Court by its engineers will bind them. It shall be ensured that the *status quo* is not altered, save and except, in accordance with law.

5. In case of any further grievance, it will be open to the Petitioner to take recourse to approaching the STF constituted under the orders of the Supreme Court in *M.C. Mehta v. Union of India and Others*, (2019) 12 SCC 730 and *M.C. Mehta v. Union of India and Others (Sealing Issue, in Re)*, (2019) 12 SCC 419.

6. Pending application stands disposed of.

JYOTI SINGH, J

FEBRUARY 17, 2025

B.S. Rohella