



\$~49

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

+ W.P.(C) 5268/2025 & CM APPL. 24008/2025, CM APPL. 24009/2025

ARVIND YADAV

.....Petitioner

Through: Ms. Sana Ansari, Mr. I. Ahmed,
Advocates along with petitioner in
person (M: 9818053386)
Email:ansari_rbs@yahoo.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Rakesh Malhotra, Mr. Bharat
Malhotra, Advocates
(M:9810239071)
Email: officerrakeshmalhotra@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

24.04.2025

1. The present writ petition has been filed with prayer for restraining the respondent/Municipal Corporation of Delhi ("MCD"), and its officials from taking any coercive action against the property bearing no. 1019, Gali Gayee Wali, Paan Mandi, Sadar Bazar, Delhi-110006.
2. Learned counsel for the petitioner submits that earlier the MCD had initiated demolition proceedings, against the property in question.
3. She further submits that an appeal bearing *Appeal No. 217/2021*, titled as "*Narayan Dass Yadav and Anr. Versus North DMC*" is pending before the Appellate Tribunal, MCD ("ATMCD").
4. She draws the attention of this Court to the order dated 12th August,



2021, passed in the said appeal by the learned ATMCD, wherein, it has been stated that no further demolition action shall be taken *qua* the property in question.

5. Learned counsel for petitioner submits that the Show Cause Notice dated 15th May, 2024, has been issued by the MCD under Section 345-A of the DMC Act, 1957 for sealing of the property, on the following grounds:

“xxx xxx xxx

AND WHEREAS upon carefully considering the report placed before me and going through the file of building department, City-SP Zone and all the other relevant papers, i am satisfied that there is an apprehension of building being disposed of/occupied or misused and further unauthorized construction being carried out and so, for the purpose of carrying out this Act & for preventing any dispute as to the nature and extent of unauthorized construction/erection /occupancy, it would be essential to proceed under section 345-A of the DMC Act against the aforesaid premises or the unauthorized execution/work being carried out or completed therein.

xxx xxx xxx”

6. Learned counsel for the petitioner also draws the attention of this Court to the photographs of the said building in question, to submit that the building is lying in the same position after the demolition action taken by the MCD.

7. It is further pointed out that the next date of hearing before the learned ATMCD is 29th April, 2025.

8. *Per contra*, learned counsel appearing for the respondent/MCD, on advance notice, submits that even though no new fresh construction may be carried out by the petitioner, the MCD is still within its authority to carry out the sealing action, with regard to an unauthorized construction, having been carried out earlier.

9. He further submits that the sealing proceedings have been initiated



lawfully by the MCD.

10. Considering the submissions made before this Court, the petitioner is directed to approach the learned ATMCD, for challenging the sealing proceedings.

11. At this stage, learned counsel for the petitioner submits that the sealing order passed by the MCD has not been provided to the petitioner.

12. Accordingly, a copy of the sealing order shall be provided to learned counsel for the petitioner on the E-mail, which is reflected in today's order.

13. It is directed that the said appeal shall be filed by the petitioner, within a period of ten days, from today.

14. Accordingly, in order to allow the petitioner to approach the learned ATMCD by way of an appeal, it is directed that for a period of ten days, no coercive action as regards the sealing action, shall be taken by the MCD, against the property in question.

15. It is further clarified that the protection granted by this Court shall lapse after ten days, in case the petitioner does not approach the learned ATMCD.

16. The learned ATMCD shall decide and pass orders on its own merits.

17. It is also clarified that this Court has not expressed any opinion on the merits of the case. Rights and contentions of both the parties are left open.

18. With the aforesaid directions, the present petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

APRIL 24, 2025

au