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

+ **W.P.(C) 6106/2025 & CM APPL. 27877/2025**

JATINDER SINGH KAINTH

.....Petitioner

Through: Mr. R. K. Tarun, Ms. Aditi
Shivadhatri and Capt. Subedita Rani,
Advocates
M:9811225854
E-mail:rajeshkumartarun@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Kapil Dutta, Advocate for MCD
M:9811135509
E-mail: Kapilduttamcd@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

08.05.2025

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1. The present writ petition has been filed seeking a compensation of ₹1,00,00,000/- (Rupees One Crore only) from the respondent/Municipal Corporation of Delhi ("MCD"), on the ground that the respondent sealed the petitioner's property without following due process of law, thereby violating the petitioner's fundamental rights guaranteed under Article 21 of the Constitution of India.

2. It is submitted that the petitioner is the owner of the property bearing *No M- 27, Ground floor, Greater Kailash-1, New Delhi -110048*. However, he lives with his family in the United Kingdom ("UK"), for his business over there.



3. It is submitted that the respondent sealed the ground floor as well as the basement of the property on 6th February, 2008 on account of alleged misuse of the premises. However, it is submitted that the said sealing action was in defiance of the statutory mandate of law, without notice prior to sealing of the property of the petitioner.

4. It is submitted that the petitioner had preferred an appeal before the Appellate Tribunal:MCD (“ATMCD”), which was registered as *Appeal No. 764/13*, titled as *Jatinder Singh Kainth Versus Municipal Corporation of Delhi*. The said appeal is still pending before the learned ATMCD.

5. Learned counsel appearing for the petitioner submits that pursuant to the sealing of the premises on 6th August, 2008 by the respondent, the petitioner filed an affidavit deposing that no business was carried out by the petitioner on the ground floor of the property and the same was vacant at the time of the sealing of the property by the respondent. The business was restricted to the basement of the said property.

6. It is submitted that the respondent/MCD filed a Status Report admitting the factum of ground floor so sealed by them, to have been vacant at the time of carrying out of the sealing.

7. Thus, the present writ petition has been filed seeking a compensation of ₹1,00,00,000/- (Rupees One Crore only) from the respondent/Municipal Corporation of Delhi (“MCD”), for having sealed the property of the petitioner without following due process of law, more so, in the light of the fact that the ground floor of the property so sealed was never misused in any manner.

8. *Per contra*, learned counsel appearing for the respondent/MCD on advance notice submits that the sealing in the property in question was



carried out pursuant to the directions of the Monitoring Committee, constituted by the Hon'ble Supreme Court. He further submits that against the sealing action by the MCD, an appeal has already been filed by the petitioner herein. He submits that the said appeal was dismissed in default *vide* order dated 6th October, 2021.

9. At this stage, learned counsel appearing for the petitioner submits that the said appeal has since been restored by this Court *vide* order dated 21st March, 2024 passed in *CM(M) 1698/2023*.

10. She further submits that the appeal before the learned ATMCD is still pending and the next date before the learned ATMCD is 9th July, 2025.

11. At this stage, responding to the aforesaid learned counsel appearing for the MCD submits that at the time of the sealing of the premises shutter was found at the front entrance on the ground floor of the property, which has been duly mentioned by the MCD in its Status Report filed before the learned ATMCD.

12. Having heard learned counsel appearing for the parties, this Court notes that the premise of filing the present writ petition is illegal sealing of the petitioner's property, without following the due process of law by the MCD.

13. This Court notes that the issue with regard to de-sealing of the property is already pending before the learned ATMCD. Thus, today, there is no finding that the sealing process having taken by the respondent/MCD, was illegal, in any manner.

14. In the absence of the findings that the sealing action carried out by the MCD was illegal or unlawful in any manner, the whole premise of filing the present writ petition, is apparently baseless.



15. After addressing arguments, at this stage, learned counsel appearing for the petitioner seeks to withdraw the present writ petition.

16. Accordingly, the present writ petition, alongwith the pending application, is dismissed as withdrawn.

MINI PUSHKARNA, J

MAY 8, 2025/akr