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

+ **W.P.(C) 6385/2025, CM APPL. 29187/2025**

VIJAY SEHGAL

.....Petitioner

Through: Mr. Ajjay Aroraa, Sr. Advocate with
Mr. A. Kapoor and Mr. Nitish Dubey,
Advocates
M:8521597838
E-mail:office.nitish24@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Vikas Chopra, SC with Mr.
Neeraj Kumar, Advocate
M:9250925371
E-mail:chopraand
company@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

14.05.2025

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1. The present writ petition has been filed seeking directions to the respondent/Municipal Corporation of Delhi ("MCD"), to permanently de-seal the property bearing no. *Farm No. 34, Brookwood, Silver Oak Road, Ghitorni, New Delhi-110030*, for the purposes of self-demolition of the unauthorized construction.

2. Learned Senior Counsel appearing for the petitioner has drawn the attention of this Court to the Office Order dated 20th September, 2024, issued by the office of the Chief Engineer, Building, HQ, MCD, Delhi, to



submit that sealing of the property is only an interim arrangement to stop unauthorized construction, till the unauthorized construction, is demolished.

3. The Office Order dated 20th September, 2024, as issued by the MCD is reproduced as under:-

“Office Order dated 20th September, 2024

**“MUNICIPAL CORPORATION OF DELHI OFFICE OF
THE CHIEF ENGINEER (BLDG) HQ 9TH FLOOR: E-1
WING, DR. S.P.M. CIVIC CENTRE JAWAHAR LAL
NEHRU MARG: NEW DELHI – 110002.**

No.CE(B)HQ/2024/D-67

Dated: 20.09.2024

OFFICE ORDER

***Subject: Mode, Manner & Method for Sealing of Unauthorised
Constructions in properties situated within the jurisdiction of MCD.***

1. The Delhi Municipal Corporation (sealing of unauthorized construction) Rules, 1986 notified vide Notification No.F.1/32/77-LSG Vol.III-Policy dated 10.02.1986 inter alia provides as under:-

“...3 - (5) The person, Municipal officer or the Municipal Employee, as referred to in Sub-rule(1) may seal the outer door or the opening of the building in which the unauthorised construction has been or is being made or unauthorised construction after ensuring that other outlets and inlets of the premises or unauthorised construction have been properly locked, bolted or encircled with wire rope or wire-mesh or any other material and where such premises or construction cannot be enclosed with wire rope or wire-mesh or any other material or has no boundary walls making the sealing thereof difficult, the person, Municipal employee as aforesaid, shall be authorized to take or adopt any other means including the posting of any person for watch and ward purpose with a view to ensure the same against tampering or interfering in any manner that no person can enter into or open the premises or unauthorised construction without breaking or removing the seal affixed under Sub-rule (1).”

2. It has been found that fixing of wire rope / wire-mesh is a cumbersome process. The magnitude of the unauthorized construction in Delhi is huge due to existing distortion in the legal framework w.r.t. building activity in NCT of Delhi.



3. However, prevailing practice of sealing of properties for unauthorized constructions by sutli / threads / bandages is inadequate.

4. It has therefore been decided that sealing be carried out as follows:-

a) Where a property / premises can be enclosed by doors, it shall be sealed by locking the doors and standardized seal be affixed on tape covering the lock. The standardized tape be applied to visual points.

b) In cases, where the property does not have doors or is having opening at places other than doors, the nylon rope be used to tie around the access points and Standardized tape be also affixed / placed at crossing points of nylon rope at visible points.

c) Standard barricade tape of 3"(inch) wide durable, tear proof, plastic material like, polyethylene, polypropylene or nylon shall have inscription "SEALED BY MCD / DON'T TAMPER", affixed on crossing points of nylon rope at visible points.

d) Pursuant to sealing the premises, the MCD official shall inform in writing to the SHO of police station of the area in which unauthorized construction of the premises is situated, to keep strict watch & ward on the sealed premises so that the seals affixed by the MCD are not tampered with. Police authority shall be responsible for preventing tampering the seal as per Section 344 (2)(3)(4) r/w Section 475 of the DMC Act, 1957.

5. The cost incurred on sealing procedure shall be recovered from the owner/occupier of impugned property.

6. The sealing of property is only an interim arrangement to stop unauthorized construction till the unauthorized construction is demolished. The AE, alongwith JE of the area, shall be responsible for demolition of unauthorized construction as per SOP issued vide No.D/95/CE/Bldg.HQ/MCD/2024 dated 29.01.2024 and its corrigendum No.CE(B)HQ/2024/D-60 dated 30.8.2024, as early as possible.

7. The above is in suppression of earlier Office Order issued vide No.D/29/CE/Bldg.HQ/MCD/2024 dated 30.05.2024 and has been issued with the prior approval of the Competent Authority.

Chief Engineer (Bldg.) HQ"

4. Learned Senior Counsel appearing for the petitioner submits that the



property of the petitioner has been sealed, and is since lying sealed on account of the unauthorized construction, and mis-user of the property. He further submits that the petitioner is ready to remove all the unauthorized construction, as pointed out by the MCD.

5. At this stage, learned counsel appearing for the respondent/MCD submits that since there was mis-user in the property, the petitioner is required to give an affidavit that no misuse in the premises shall be carried out.

6. He further submits that the petitioner may apply to the MCD as per the policy, for de-sealing and carrying out the requisite rectification.

7. In response, learned Senior Counsel appearing for the petitioner submits that the petitioner is ready to abide by any directions that may be issued by this Court. Further, the petitioner also undertakes that the property in question shall not be misused in any manner.

8. Accordingly, it is directed that the petitioner shall approach the requisite Authority of the MCD with an application for de-sealing of the property. Along with the said application, the petitioner shall also file an undertaking that the petitioner shall demolish all the unauthorized construction existing in the property.

9. Further, the petitioner shall also file the requisite documents and complete all the formalities, as may be required by the MCD.

10. Upon the petitioner filing the application for de-sealing, the same be considered by the respondent/MCD, expeditiously, preferably, within a period of four weeks, from today.

11. Upon the petitioner fulfilling the requisite formalities, the MCD shall consider passing the requisite order for temporary de-sealing of the property,



in order for the petitioner to carry out the demolition of unauthorized construction existing in the property.

12. Accordingly, the petitioner shall carry out the demolition of the unauthorized construction within a period of four weeks, after the property is de-sealed temporarily, by the MCD. Thereafter, after the requisite demolition work has been carried out by the petitioner, the property shall be re-sealed. Thereafter, the MCD shall re-inspect the property in question.

13. In case, the MCD is satisfied, the property in question shall be de-sealed permanently, in accordance with the policy of the MCD and subject to the petitioner complying with all the requisites.

14. With the aforesaid directions, the present writ petition, along with the pending application, is accordingly disposed of.

MINI PUSHKARNA, J

MAY 14, 2025/akr