



2025:DHC:11330



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

% **Date of Decisioin:12th December, 2025**

+ W.P.(C) 18879/2025 & CM APPL. 78614/2025

SHEETAL GOYAL

.....Petitioner

Through: Mr. Vinayak Sharma, Mr. Aman
Goel, Mr. Saurav Yadav, Advocates
(M:8630180959)

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Tushar Sannu, SC-MCD with Mr.
Parvin Bansal, Advocate
(M:9911991166)

44

+ W.P.(C) 18880/2025 & CM APPL. 78617/2025

MANJU GUPTA

.....Petitioner

Through: Mr. Vinayak Sharma, Mr. Aman
Goel, Mr. Saurav Yadav, Advocates
(M:8630180959)

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. M.S. Oberoi, Standing Counsel
for MCD (M: 9811551525)

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+ W.P.(C) 18882/2025 & CM APPL. 78626/2025

RANI GUPTA

.....Petitioner

Through: Mr. Vinayak Sharma, Mr. Aman
Goel, Mr. Saurav Yadav, Advocates
(M:8630180959)

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Abhishek Mahajan, Advocate for
MCD

Signature Not Verified

Digitally Signed
By: HARIOM SHARMA
Signing Date: 13.12.2025
18:47:13



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CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petitions have been filed in respect of the sealing of the property bearing *Nos. 226-227, Gali Kunjas, Dariba Kalan, Chandni Chowk, Delhi*, owned by the petitioners.
2. This Court notes that another set of petitioners had approached this Court with respect to the same property, in *W.P.(C) 16504/2025* and other connected matters, wherein, the Court took notice of the submissions that the respondents without any prior intimation, show cause notice or speaking order, had sealed the properties of the petitioners.
3. Issue notice. Notice is accepted by learned counsel for the respondents.
4. Learned counsel for the respondents draws the attention of this Court to the order dated 22nd September, 2025, passed by the Supreme Court in *SLP(C) Diary No. 35312/2024*, titled as “*Dr. S. Jaitley & Anr. Versus Municipal Corporation of Delhi & Ors.*”, to submit that the Supreme Court is also seized of the matter with respect to unauthorized construction in the Chandni Chowk area.
5. Having heard learned counsels for the parties, at the outset, this Court clarifies that as far as any sealing action or sealing order passed by the Municipal Corporation of Delhi (“MCD”) is concerned, in case, the petitioners are aggrieved by the same, the petitioners ought to approach the Appellate Tribunal MCD (“ATMCD”) for seeking statutory relief.
6. Further, this Court takes note of the order dated 22nd September, 2025, passed by the Supreme Court in *SLP(C) Diary No. 35312/2024*, relevant portions of which, read as under:



“xxx xxx xxx

I.A. No. 167661/2025

1. The instant application has been filed on behalf of Naval Kishore Gupta, S/o Shri D.B. Gupta, R/o 59, Chandni Chowk, Delhi – 06 to implead him as a party-respondent.

2. **The application is allowed as prayed for and the applicant is permitted to intervene and assist the Court in the matter of illegal construction in the Chandni Chowk area.** He is permitted to place on record the material in support of his contentions, if any, within four weeks.

I.A. No.136938/2025

1. This application has been moved by the Petitioners, seeking, inter alia, directions to the Municipal Corporation of Delhi (“MCD”) to seal certain premises in Mandir Wali Gali, Katra Neel due to violation of applicable laws as well as ongoing/attempted illegal construction.

2. The MCD has filed a reply to the said IA, inter alia, pointing out that various properties where unauthorized constructions have been made or which were being misused for other than residential purposes were ordered to be sealed by the MCD in the year 2022. However, those orders were stayed by the Appellate Tribunal, MCD in various appeals filed by the shopkeepers. Those appeals are stated to be still pending.

3. The post of the Presiding Officer of the Appellate Tribunal is lying vacant as no appointment has been made after the expiry of the previous Presiding Officer. We are informed that such appointment was to be made by the Delhi High Court. If that is so, we request the Chief Justice of the Delhi High Court to look into the matter immediately and appoint the Presiding Officer of the Appellate Tribunal MCD.

4. **Keeping in view the facts and circumstances of the case, all the stay orders granted by the Appellate Tribunal MCD or by the High Court, in purported exercise of powers under Article 227 of the Constitution, due to which MCD is unable to seal the offending properties in the entire Chandni Chowk Area, will be deemed to have been vacated w.e.f. 31.12.2025. It is clarified that this direction does not affect those orders of the High Court, the Civil Courts, or the Appellate Tribunal MCD, where private parties have been restrained from continuing illegal construction, etc.**

5. The Authorities of the MCD are directed to act upon the orders passed by them earlier, namely, the sealing orders with respect to the properties which were being misused or were illegally constructed. However, if any resident of the Chandni Chowk area has any



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grievance against vacation of stay by virtue of this order, liberty is granted to him to approach this Court before 31.12.2025.

xxx xxx xxx”

(Emphasis Supplied)

7. Perusal of the aforesaid order passed by the Supreme Court shows that the Supreme Court has taken cognizance of the unauthorized construction in the Chandni Chowk area, and has been passing orders with regard thereto.
8. It is to be noted that this Court is not interdicting the MCD in any manner with regard to taking any action against any unauthorized construction in the Chandni Chowk area.
9. Further, this Court has also not granted any stay in favour of the petitioners, with regard to any sealing action to be taken by the MCD. Rather in the present cases, sealing action has already been taken by the MCD. Therefore, order passed by this Court does not in any manner violate the tenor of the aforesaid Supreme Court order.
10. At this stage, learned counsel appearing for the petitioners submits that he may be granted liberty to make a representation to the concerned Official of the MCD, praying for de-sealing of the properties.
11. He further submits that the petitioners undertake that they shall remove any unauthorized construction or excess coverage or deviation, in terms of the direction of the MCD.
12. He further submits that in case required, the petitioners shall also file an application for regularization of the properties in question.
13. Moreover, the petitioners undertake that they shall duly follow all the directions as issued by the MCD with regard to any unauthorized construction existing in the properties, and shall use the same in conformity



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with the prevalent law.

14. In view of the submissions made by the parties before this Court, liberty is granted to the petitioners to move appropriate applications before the Deputy Commissioner, City SP Zone, MCD for the purposes of temporary de-sealing of the properties in order to carry out rectification, in terms of any directions that may be issued by the MCD.

15. Further, in case any application for regularization is filed by the petitioners, the same shall be duly considered by the MCD, as per its policy and law.

16. The petitioners are enjoined upon to comply with any directions that may be issued by the MCD for the purposes of regularization of their properties.

17. After the deviations/excess coverage/unauthorized construction are/is removed by the petitioners, the MCD shall duly inspect the properties and satisfy itself in that regard.

18. In case, the MCD is satisfied as regards the removal of the unauthorized construction and non-compoundable deviations/excess coverage, the MCD may proceed to pass appropriate orders for de-sealing of the properties, in accordance with law.

19. With the aforesaid directions, the present writ petitions, along with the pending applications, are accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 12, 2025/au