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

\+ **W.P.(C) 4608/2024 and CM APPL. 18867/2024**

HIMANI WALIA .....Petitioner

Through: Mr. Manoj Sharma and Mr. Piyush Kaushik, Advocates.

versus

THE GOVERNMENT OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Dhruv Rohatgi, Panel Counsel for GNCTD with Ms. Chandrika Sachdeva and Mr. Dhruv Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 28.03.2026

This matter has been taken up today, as 02.03.2026 was declared holiday.

1. The instant petition is for the following reliefs:

> *"(a) issue a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents to de-seal the portion/room located on the First Floor, lying sealed in the property of the Petitioner bearing no. M-24, Greater Kailash-I (M-Block Market), New Delhi-11 0 048; and*
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> *(b) issue a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents to make an inventory of the stock of liquor/wine/beer, if any, found inside the sealed portion/ room located on the First Floor in the property bearing no. M-24, Greater Kailash Part-1 (M-Block Market), New Delhi-11 0 048, seize the said stock and transfer the said stock to any of its location/ warehouse; thereby clearing the Subject Property; and*

(c) award costs of the present Writ Petition in favour of the Petitioner; and

(d) pass such other/further order(s)/direction(s) which this Hon'ble Court deems fit, just and proper in the facts and circumstances of the case."

2. The facts of the case would indicate that the petitioner is the absolute owner of property bearing no. M-24, Greater Kailash-I (M Block Market) New Delhi-110048 ad-measuring an area of 195 square yards comprising of First Floor and Second Floor with Terrace (***'subject property'***). The said property is a commercial property located in one of the most expensive and well-known markets of South Delhi.

3. Earlier, to the petitioner's ownership, the subject property was owned by his father late Sh. Surinder Singh Walia. Mr. Walia during his lifetime had leased out the subject property for a period of nine (9) years commencing from 26.05.2015 to one Mr. Ankit Katyal and Mr. Amit Aggarwal, partners of M/s Le Italia for the purposes of running a restaurant, *vide* a registered Lease Agreement dated 21.03.2015. Mr. Walia died intestate on 10.12.2017. On other legal heirs' relinquishing their respectful shares, the petitioner became the absolute owner of the subject property. The said position remains undisputed and is not the subject matter for adjudication.

4. The controversy lies in an order whereby the Excise Department has sealed the property in question on account of dues against the licensee namely M/s Le Italia (tenant).

5. The petitioner also had a dispute with the tenant for recovery of the arrears of rent, possession etc. The petitioner's suit has been partly decreed

vide a judgment and decree dated 01.12.2020 however, on account of sealing order, the possession of the sealed property has not been handed over. The petitioner contends that on account of non-payment of the dues by the petitioner's tenant to the Excise Department, the respondents are unjustified in continuous seizure of the petitioner's property.

6. Reliance has been placed on the decision of this Court in ***Samaira Jewels Pvt. Ltd. v. Government of NCT of Delhi & Ors.***, wherein it was held that the petitioners, being merely landlords, cannot be made to suffer on account of disputes between the Excise Department and the Tenant. The Court accordingly directed the concerned officials of the Excise Department, under the supervision of the Assistant Commissioner, to de-seal the premises, prepare a complete inventory of the liquor stock lying therein, transfer the said stock to a designated warehouse, and thereafter hand over vacant and peaceful possession of the respective properties to the petitioners. The Court, thus, held that although the Department may deal with the liquor stock in accordance with law, the landlords cannot be deprived of their property because the tenant has outstanding dues.

7. An appeal against the said order, being LPA No. 195/2023, was dismissed by the Division Bench, which affirmed the view taken by the learned Single Judge. Thereafter, the Supreme Court, in SLP (C) No. 13919/2024 vide order dated 26.07.2024, declined to interfere with the order passed in the said LPA.

8. Having considered the aforesaid facts and circumstances, the Court finds that there is no privity of contract between the petitioner and the Excise

Department. Even otherwise, in the relevant lease, there was no such condition to empower the respondent to seal the property in question for which the license was granted. In absence of there being any binding contractual terms between the petitioner and the Excise Department, the petitioner should not be penalized.

9. Accordingly, for the aforesaid reasons, the action of the respondent for the petitioner's seizure of the subject property stands set aside. The same is directed to be de-sealed with immediate effect.

10. The Excise Department, however, shall be at liberty to remove the articles of the licensee. The same shall be dealt with by the Excise Department in accordance with the extant rules. The vacant possession be handed over to the petitioner and a panchanama will be prepared.

11. Let the aforesaid exercise be carried out within a period of 45 days from the date of receipt of copy of the order passed today.

12. With the aforesaid observations, the instant petition stands disposed of along with all applications.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 28, 2026
Nc