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

+ **CONT.CAS(C) 652/2023**

RAHAT ALI

.....Petitioner

Through: Mr. Dinesh Tiwari, Ms. Seema Mishra, Ms. Anju R. Mishra, Mr. Firoz Khan and Mr. Manoj Sharma, Advs. (through v/c)

versus

SH. GYANESH BHARTI, THE COMMISSIONER, DELHI MUNICIPAL CORPORATION & ORS.

.....Respondents

Through: Mr. Tushar Sannu, SC and Ms. Shaoni Das, Adv., MCD.
Ms. Parul Aggarwal, Adv. (through v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **16.01.2026**

1. A status report has been handed over on behalf of the Municipal Corporation of Delhi (MCD) during the course of hearing, in which, it has been *inter-alia* stated as under:

*"8. That further in compliance of order of ATMCD in Appeal No.707 of 2022, the quasi-judicial authority/Deputy Commissioner, Shahdara North Zone on 18.07.2023 passed a speaking order by which sealing order was issued against the subject property (property No.276, Gali No.4, Moonga Naar, Karawal Nagar, Delhi). The copies of the speaking order dated 18.07.2023 was also sent to the appellants therein through speed post. Copy of the order dated 18.07.23 passed by the quasi-judicial authority/Deputy Commissioner, Shahdara North Zone is annexed as **Annexure R/B**.*

9. That it is respectfully submitted that in furtherance of the orders of the quasi-judicial authorities dated 12.07.23 and 18.07.23, a special demolition/sealing action programme has been fixed on 02.08.2023 on the subject property as per the provisions of the DMC Act. A letter has been addressed to the DCP, Seelampur, Delhi requesting to provide police force for the special demolition/sealing action programme.



10. That a vacation notice under section 249 DMC Act, 1957 vide letter no.AE(B)-I/SH-N/2023/D-110 dated 25.07.2023 has been sent to the appellants therein (Haji Ashgar/Mehtab) to vacate the premises and a copy of the same was also sent to SHO PS Dayalpur with a request to get the premises vacated for demolition/sealing action.

11. That in compliance of ordered passed by Quasi Judicial Authority the suit property entirely sealed at 13 points on dated 02.08.2023 during the course of demolition / sealing action in presence of police staff of PS Dayalpur. As per reported by area JE (B) after inspection of the suit property and found sealed are Intact till now.

12. That appeal vide No. 572/2025 & 573/2025 filed by Sh. Mehtab Hussain & Ors. Vs MCD in Hon'ble ATMCD of same suit property bearing No.276-B, Gali No.4, Moonga Nagar, Nehru Vihar, Delhi-110094 and same appeals are pending in ATMCD which next date of hearing i.e. 17.04.2026 and copy of ATMCD order of last date i.e. 08.12.2025 is annexed as **Annexure R/C**.

13. That the Respondent No.1,2/MCD is ready and willing to abide by any further order(s)/direction(s) issued by this Hon'ble Court considering the facts and circumstances of the present case."

2. As such, it is submitted that the property in question is currently sealed.
3. It is further submitted that unless any orders are passed by the ATMCD in the pending appeals, which prevent the MCD from proceeding further, appropriate demolition action shall also be taken in respect of the property in question. It is assured and undertaken that the same shall be done by the respondents expeditiously.
4. As such, no further orders are required to be passed in the present petition.
5. The same is accordingly, disposed of.

SACHIN DATTA, J

JANUARY 16, 2026/cl