



2026:DHC:1560



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

+ **W.P.(C) 9000/2025**

Date of Decision: **13.02.2026**

IN THE MATTER OF:

JAIPAL SHARMA

.....Petitioner

Through: Mr. S.S. Rawat with Mr. Praveen
Kumar, Advocates.

versus

DELHI POLLUTION CONTROL COMMITTEE & ORS.

.....Respondents

Through: Mr. Balendu Shekhar with Mr.
Rajkumar Maurya, Mr. Krishna
Chaitanya & Mr. Divyansh Singh
Dev, Advocates for DPCC.
Ms. Aanchal Bumb, Advocate for
Intervenor.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

CM APPL. 38387/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 9000/2025, CM APPL. 38388/2025, CM APPL. 45233/2025 and
CM APPL. 72637/2025**

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SHARMA
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3. The petitioner claims to be the owner of property bearing No.3, Khasra No.9/9/2, Jawahar Nagar, Johri Pur, Delhi - 110093. He has filed the instant petition challenging four orders. Order dated 23.10.2024 has been passed by the office of the Sub-Divisional Magistrate (SDM), Karawal Nagar imposing environmental damages of ₹1 lakh. The second order is dated 26.10.2024, whereby, the petitioner's premises has been sealed by the SDM having been found as without permission of the competent authority. Third order is dated 01.11.2024 passed by Inspector/Inspecting Officer under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986/ under the Minimum Wages Act, 1948 and the fourth order is also of the even date directing the petitioner to deposit ₹20,000/- for each rescued child labour for their rehabilitation.

4. The primary grievance raised by the petitioner relates to continuous sealing of the petitioner's premises. The Court in the instant petition is not examining the legality of two other orders, which have been passed under the provisional of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986/ under the Minimum Wages Act, 1948. The petitioner will have to take appropriate remedy in accordance with law.

5. So far as the order passed which relates to environmental damages is concerned, the same deserves to be set aside only on the ground that the petitioner was not heard before passing of the said order. The concerned authority however shall be at liberty to pass a fresh order after affording opportunity of hearing to the petitioner.

6. The further adjudication, therefore, confined to order dated 26.10.2024 which relates to sealing of the petitioner's premises. Order

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dated 26.10.2024 is extracted as under:

***“OFFICE OF SUB-DIVISIONAL MAGISTRATE / EXECUTIVE
MAGISTRATE (KARAWAL NAGAR) GOVERNMENT OF N.C.T.
OF DELHI D.C. OFFICE COMPLEX, NAND NAGRI, DELHI-93***

F.No. /SDM/KN/2024/934

Dated: 26/10/24

SEALING MEMO

*Whereas a raid was carried out on 23/10/2024 at 3:45 p.m. in
Jawahar Nagar Industrial area under the Karawal Nagar Sub-
Division area alongwith representatives of Labour Department
_____of Departments.*

*And Whereas, it has been notice that Sh./Ms. M/s Pooja Plastic
S/o/W/o Jawahar Nagar owner of the premised Industrial Area
Ground Floor, Delhi was engaged in activity without permission of
the Competent Authority / without required licenses / causing
pollution /
Engaging Child Labour / _____*

*Now therefore, the above premises are hereby sealed and the owner of
the said premises is directed to appear before the undersigned within
03 days along with relevant documents. The owner is further directed
to ensure that the seal is kept intact and not tampered with.*

*Sd./- with seal & date 26/10/2024
SDM/EXECUTIVE MAGISTRATE
(KARAWAL NAGAR)*

*To,
Sh./Ms. Manoj Sharma
M.No.: 9350681134
M/s. Pooja Plastic
Jawahar Nagar Industrial Area
Delhi-94”*

7. A perusal thereof would indicate, no reason, as to from which authority what permission was required to be obtained by the petitioner. The order is completely silent with respect to those aspects. The petitioner's premises which appears to have been sealed on 26.10.2024 cannot remain

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sealed indefinitely without taking the issue to its logical conclusion. It is not the case of the respondents that pursuant to any FIR the sealing order has been passed. Had it been so, the petitioner would have had an appropriate remedy under the provisions of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 [BNSS] to undertake.

8. The sealing order, therefore, seems to be without any reason and without affording any opportunity to the petitioner. Therefore, the same deserves to be set aside. The respondents however shall be at liberty to take appropriate action in accordance with law if they so desire.

9. So far as the submissions made by the State's counsel regarding raid dated 23.10.2024, is concerned an FIR No.356/2024 dated 24.10.2024 has already been registered at Police Station Karawal Nagar. The concerned Police Station shall be at liberty to take appropriate recourse in accordance with law. If after investigation, the charge-sheet is filed, the Court will have to take the issue to its logical conclusion while conducting the trial. If the property in question is involved in the crime, the concerned Police Officer can also take recourse to the applicable legal provision. However, in the instant case, there does not seem to be any reason to infer that the sealing has taken place pursuant to registration of FIR No.356/2024. Had it been so, the necessary memo should have been prepared.

10. In view thereof, the sealing order dated 26.10.2024 stands set aside reserving liberty to the respondents to take appropriate recourse in accordance with law.

11. This order will have no bearing in the pending investigation or the trial which will have to be conducted against the petitioner.

12. All rights and contentions are left open.



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13. Accordingly, the writ petition and all pending applications are disposed of.

FEBRUARY 13, 2026

Tr/ksr

PURUSHAINDRA KUMAR KAURAV, J

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