



2025:DHC:7626



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 01st September, 2025**+ **W.P.(C) 13383/2025 & CM APPL. 54857/2025****NISHA SHARMA**

.....Petitioner

Through: **Mr. Awijit Paliwal, Adv.****Mob: 8007969433****Email: awijit.paliwal@gmail.com**

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: **Mr. Roshan Lal Goel and Ms. Anju****Gupta, Adv. for R-MCD****Mob: 9654169406****CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present writ petition has been filed challenging the Sealing Order dated 25th November, 2024, issued by the respondent-Municipal Corporation of Delhi ("MCD"), under Section 345-A read with Section 347 of the Delhi Municipal Corporation Act, 1957 ("DMC Act").
2. Learned counsel appearing for the petitioner submits that the respondent-MCD issued the impugned Sealing Order dated 25th November, 2024, and subsequently, sealed the premises bearing *Shop No. 421, Ground Floor, Kucha Brijnath, Chandni Chowk, Delhi-110006* on 22nd May, 2025.
3. Learned counsel appearing for the petitioner submits that the petitioner has approached this Court, since the Appellate Tribunal MCD ("ATMCD") at Tis Hazari Courts, New Delhi, is not functional, as the post of the Presiding Officer of the ATMCD is currently vacant.



2025:DHC:7626



4. Learned counsel appearing for the petitioner submits that the petitioner is only pressing for temporary de-sealing of the property in question before this Court, so that the tenant of the petitioner is able to take his goods out of the property in question.

5. Issue notice. Notice is accepted by learned counsel appearing for respondent-MCD, who submits that an appeal against a Sealing Order lies with the ATMCD.

6. Responding to the same, learned counsel appearing for the petitioner submits that the petitioner shall approach the ATMCD, and has approached this Court only for a limited relief, in view of the fact that the ATMCD is not functional for the time being.

7. Considering the submissions made before this Court, it is directed as follows:

(i) *Shop No. 421, Ground Floor, Kucha Brijnath, Chandni Chowk, Delhi-110006*, shall be de-sealed temporarily, for two days, i.e., on 03rd and 04th September, 2025.

(ii) The premises shall be de-sealed at 10:00 A.M. in the morning, and shall be re-sealed again at 05:00 P.M. in the evening by the officials of MCD, on both the days.

(iii) At the time of de-sealing, the petitioner or her representative, as well as the tenant of the petitioner, shall be present.

(iv) The tenant of the petitioner shall be allowed to take his goods out of the property in question, on both the days, i.e., 03rd and 04th September, 2025.

(v) Upon the tenant of the petitioner removing his goods from the property in question, the MCD shall re-seal the property in question.



2025:DHC:7626



- (vi) The petitioner is granted liberty to approach the ATMCD to challenge the Sealing Order passed by the MCD.
8. It is clarified that the present order has been passed only on account of the fact that the ATMCD is not currently functional.
9. It is further clarified that this Court has not expressed any opinion on the merits of the case.
10. Rights and contentions of both the parties are left open, which shall be decided in the appeal before the ATMCD.
11. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 1, 2025/SK