



2025:DHC:5541



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

% **Date of Decision: 11th July, 2025**

+ W.P.(C) 8818/2023

ANAND YADAV & ANR.

.....Petitioners

Through: Mr. Rajesh K. Khanna, Sr. Advocate
with Mr. Virendra Singh, Ms. Arushi
Jindal, Advocates
Mob: 9910098340
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versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Ankita Bhadouriya, Mr. Tushar
Sannu, Mr. Shivam, Ms. Priyanka
Tiwari, Mr. Dhirander (LI, Rohini
Zone) Advocates for
Respondent/MCD, (M: 9911991166)
Email: adv.tusharsannu@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. The present writ petition has been filed seeking appropriate directions for de-sealing of petitioner's shop bearing no. 274, Village Naharpur, Delhi.
2. Learned Senior Counsel appearing for the petitioners draws the attention of this Court to the statement made by the petitioner no.1-in person, before this Court on 26th May, 2025, that he is ready to undertake that the shop/property in question shall not be operated without due



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compliances and approval, wherever required. The order dated 26th May, 2025, recording the statement of petitioner no.1, reads as under:

“1. Petitioner, who appears in person, submits that he is ready to give an undertaking that the shop/property bearing no. 274, Village Naharpur, Delhi, shall not be operated without due compliance and approvals, either by the petitioners or by the tenants of the petitioners.

2. The aforesaid statement is taken note of.

3. Accordingly, the Municipal Corporation of Delhi (“MCD”) is directed to seek instructions in this regard.

4. Re-notify on 11th July, 2025, in top ten matters in the ‘Advance List.’”

3. Learned Senior Counsel appearing for the petitioners further submits that the tenant of the petitioners was running a business of Car Accessories, which is permissible. He draws the attention of this Court to the order dated 04th October, 2018 passed by the National Green Tribunal (“NGT”), to submit that the units against which action was directed to be taken were units where activities creating pollution, including, unauthorized workshops, carrying out service repairing, denting, painting, junk dealing, etc., were being carried out. He submits that the activity undertaken in the petitioners’ shop, i.e., dealing with Car Accessories, is a permissible activity. He submits that the tenant of petitioners are ready to give an undertaking, as recorded in order dated 26th May, 2025, that the property shall be used only for the purposes which are permissible. He, thus, prays for directions to be passed for de-sealing of the petitioners’ property.

4. Responding to the aforesaid submissions, learned counsel appearing for the respondent-Municipal Corporation of Delhi (“MCD”), submits that sealing action was carried out by the MCD on polluting units, pursuant to



the directions of the NGT. He further submits that, in case, the petitioners undertake that no impermissible activity would be carried out by the petitioners, or anyone acting on their behalf, and the requisite charges would be paid by the petitioners, the respondent can consider the request of the petitioners for de-sealing of the premises.

5. Learned counsel for MCD further draws the attention of this Court to the document filed along with his counter affidavit, to submit that many shopkeepers, including, the petitioners, had put up boards outside their shop which indicated the business of Car Accessories. However, other work relating to denting, painting, etc., was actually being carried out by the said shopkeepers. He further submits that sealing of various properties, including, that of the petitioners, was undertaken justifiably by the MCD.

6. *Per contra*, learned Senior Counsel for the petitioners submits that the petitioners, or their tenant, did not indulge in any polluting activity. He further submits that when petitioners' property is de-sealed, the goods which are found inside the petitioners' shop may be taken into consideration for the purposes of assessing the activity being carried out in the petitioners' shop.

7. Having heard learned counsels for the parties, it is directed that the petitioners shall approach Assistant Commissioner, Rohini Zone, MCD, and shall duly file the requisite application for de-sealing, with an undertaking that the petitioners shall use the premises in question, only in consonance with the activities which are permissible as per the Master Plan for Delhi, 2021. It is further directed that in the aforesaid undertaking, it shall specifically be stated that the petitioners or any person authorized by the petitioners, shall not carry out any impermissible activity.



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8. This Court takes note of the submission made by learned Senior Counsel appearing for the petitioners that the petitioners are not liable to pay any misuse charges, as no misuse was carried out by the petitioners. Accordingly, it is directed that the Assistant Commissioner, Rohini Zone, MCD shall deal with the said submission of the petitioners. For this purpose, it is directed that at the time of de-sealing of the property in question, an inventory of all the goods which are found in the shop of the petitioners, shall be duly made by the MCD. Further, photographs shall also be taken by the MCD at the time of de-sealing of the property of the petitioners, in order to ascertain the status of the goods lying inside the petitioners' shop.

9. Accordingly, the Assistant Commissioner, Rohini Zone, MCD, thereafter, shall assess, as to whether the petitioners are required to pay any misuse charges, and to what extent.

10. Let the requisite de-sealing application, along with the afore-noted undertaking, be filed by the petitioners, within a period of ten days, from today.

11. Upon the petitioners filing the requisite application, alongwith the undertaking, the respondent-MCD shall consider the said application of the petitioners, in accordance with law.

12. Further, the petitioners are also held bound to comply with any directions that may be given by the MCD for the purpose of considering the application of petitioners for de-sealing. The application of the petitioners for de-sealing shall be considered expeditiously by the MCD, preferably, within a period of four weeks from the receipt of the application of petitioners.



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13. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

JULY 11, 2025/SN