



\$~17

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

% **Date of Decision: 14th July, 2026**

+ CONT.CAS(C) 961/2026 & CM APPL. 35888/2026

MOHD. SHAFIR

.....Petitioner

Through: Mr. Atishay Jain, Adv.

versus

SHRI SANJEEV KHIRWAR COMMISSIONER OF MCD

& ORS.

.....Respondents

Through: Mr. Amaan Khan, Adv. for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present petition has been filed alleging wilful disobedience of the order dated 10th September, 2025, passed in *W.P.(C) 3073/2025*.
2. This Court notes that *vide* order dated 10th July, 2026, passed in *W.P.(C) 3073/2025*, the aforesaid order dated 10th September, 2025, already stands modified, to the extent, that direction was issued to the petitioner herein to approach the Monitoring Committee/Judicial Committee for de-sealing of the property bearing *No. F539 Ground Floor, Madipur, New Delhi-110063*. The order dated 10th July, 2026, reads as under:

CM APPL. 81187/2025 & CM APPL. 1717/2026

1. *CM APPL. 81187/2025* has been filed on behalf of the petitioner, seeking direction to the Municipal Corporation of Delhi ("MCD"), to forthwith de-seal the property of the petitioner, as despite various representations, in terms of the order dated 10th September, 2025, passed in *W.P.(C) 3073/2025*, the respondent-MCD has not de-sealed his premises.
2. On the other hand, *CM APPL. 1717/2026* is an application for clarification of the order dated 10th September, 2025, filed on behalf of the respondent-MCD, wherein, it is stated that the subject property, which



has been sealed by the MCD falls in residential area, though being used for industrial use, and thus, either the Monitoring Committee or the Judicial Committee has the jurisdiction to pass directions for the purpose of de-sealing.

3. This Court notes that the present petition had been filed seeking directions against the sealing action undertaken by respondent no.1, i.e., MCD in the property bearing *No. F-539 Ground Floor, Madipur, New Delhi-110063*.

4. When the matter was listed before this Court on 10th September, 2025, it came to be disposed of, with the following directions:

“xxx xxx xxx”

4. Accordingly, it is directed as follows:

- (i) The petitioner shall make a representation to the Deputy Commissioner, West Zone for de-sealing of the property in question within a period of one week, from today.
- (ii) Upon the petitioner making such a representation, the same shall be considered by the Deputy Commissioner, West Zone.
- (iii) The petitioner shall comply with all the directions as may be issued by the MCD.
- (iv) The petitioner shall submit an undertaking that the petitioner shall use the property in question only as per the user prescribed under the Master Plan of Delhi 2021.
- (v) Upon the respondent-MCD being satisfied with the compliances made by the petitioner, the respondent-MCD shall proceed to de-seal the property of the petitioner.

xxx xxx xxx”

5. Learned counsel appearing for the MCD has brought to the notice of



this Court, the Status Report filed on behalf of the MCD, wherein, the following submissions had been made:

“xxx .xxx .xxx

3. That the property no. F-539 Madipur is situated in residential area and no industrial activity is allowed, in terms of provisions of MPD-2021. The said street also does not fall under Commercial Street as per MPD-2021. Further, it is not a notified industrial area or Redevelopment Industrial cluster also. The copy of List of commercial areas and Redevelopment Industrial areas of Delhi is annexed as **Annexure-A-2 & A-3** respectively.
4. That the property F-539 Madipur was sealed by the MCD vide sealing order dated 06/12/2019 on account of industrial misuse in the non-conforming /residential area of Madipur village by way of vehicle repair activities (Electrical systems of vehicles and battery).
5. That in terms of the directions of Hon'ble Supreme Court of India in the matter of MC Mehta Vs UOI & Ors, the impermissible industrial units operating from non-conforming areas are to be closed. Further in another matter of OA No. 601/2018 titled Mayank Manohar & Paras Singh Vs GNCTD & Ors, the Hon'ble National Green Tribunal directed to close such impermissible units before 31/12/2019.
6. That as regards the handing over of the sealing order bearing No. DC/WZ/SDMC/2019/D-2747 dated 06/12/2019 was already given to the petitioner previously as also directed by Hon'ble High court in the WP No. 1242/2023 dated 01/09/2023





7. That as regards the permanent desealing of the sealed shop/property, the Respondent MCD is not empowered for the same. The permanent desealing of the property can be allowed by the Judicial Committee constituted by Hon'ble Supreme court of India Vide order dated 13.09.2022 in W.P. (C) No. 4677/1985. The said Judicial Committee consist of Justice (Retd.) Pradeep Nandrajog and Justice (Retd.) G.S. Sistani which has the jurisdiction of hearing and deciding the case of desealing on misuse of premises including industrial misuse of properties.
8. That the petitioner has not approached the appropriate forum i.e. Hon'ble Judicial Committee for redressal of his grievances for desealing of his unit on permanent basis. It is further submitted that MCD will provide full assistance to the petitioner in approaching and processing the case of desealing on directions of Hon'ble Judicial Committee as and when required.
9. That this Hon'ble Court may be pleased to issue direction to the Petitioner to approach Judicial Committee for redressal & desealing of sealed property No. F-539, Madipur Village.

xxx xxx xxx "

6. By reference to the aforesaid, learned counsel appearing for the respondent-MCD submits that the aforesaid position was not brought before this Court, at the time of passing of the order dated 10th September, 2025.
7. He submits that the MCD has already stated on affidavit that permanent de-sealing of the property can be allowed only by the Judicial Committee, constituted by the Supreme Court *vide* order dated 13th



September, 2022, in *W.P.(C) 4677/1985*, titled as, *M.C. Mehta Versus Union of India & Ors.*, consisting of Justice (Retd.) Pradeep Nandrajog, and Justice (Retd.) G.S. Sistani.

8. The order dated 13th September, 2022, passed by the Supreme Court in *W.P.(C) 4677/1985*, reads as under:

"xxx xxx xxx"

Such a Judicial Committee is necessary to be empowered to analyze all aspects of the matter, i.e., what is the nature of allotment, whether there is any change of the policy of that allotment, what according to the norms prevalent is permissible and what are the nature of violation and in view thereof pass necessary orders. The power to direct compounding on payment of charges, if compliance is possible under existing norms, is also an aspect which must vest with the Committee.

In pursuance to the aforesaid observations, the learned Amicus Curiae has placed before us a note for purposes of constitution of the proposed Judicial Committee. We have perused the said note and thus are passing the directions hereinafter keeping in mind the said note and the various proceedings held from time to time-

We appoint a Judicial Committee of two hon'ble Judges: 1) Justice Pradeep Nandrajog, retired Chief Justice of the Bombay High Court and 2) Justice G.S. Sistani, retired Judge of the Delhi High Court who would take a call on all these applications keeping the aforesaid conspectus in mind.

The Judicial Committee will have jurisdiction to hear a challenge to these orders, decisions and recommendations of both the Monitoring Committees constituted by this Court vide orders dated 24.03.2006 and 07.05.2004 resulting in action by the Municipal Corporations and Regulatory Committees in respect thereof. The subject matters are as under:

- "i) Sealing and de-sealing of properties;*
- ii) Regularization and/or levy of penalties or conversion charges;*



iii)Demolition of unauthorized construction; and
(iv)Directing the removal of encroachment."

Any person aggrieved by such an order decision or recommendation as already set out above after scrutiny by the Judicial Committee would have a remedy only by filing an application in the present proceedings.

In order to facilitate the disposal of these applications, all pending applications before this Court, challenging the orders passed by the Monitoring Committee in respect of these issues, shall stand referred to the Judicial Committee for consideration and passing orders. A list of these applications have been annexed to the note as Document No. 1. The applications listed today also would stand transferred to the Committee and if some applications have been missed out, the applicants may approach the learned Amicus Curiae who would inform the Judicial Committee accordingly.

xxx xxx xxx"

9. Perusal of the aforesaid order passed by the Supreme Court clearly shows that the Judicial Committee has been constituted by the Supreme Court for the purposes of taking up various matters, including, sealing, de-sealing of the properties, regularization, levy of penalties and conversion charges, demolition of unauthorized construction and removal of encroachment.

10. This Court has also taken note of the affidavit filed on behalf of the MCD, wherein, it is categorically stated that as regards the permanent de-sealing of the premises in question, the MCD as such, would have no power, and that the petitioner would have to approach either the Monitoring Committee or the Judicial Committee.

11. Accordingly, considering the submissions made before this Court, the order dated 10th September, 2025, passed by this Court is modified to the



extent that direction is issued to the petitioner to approach the Monitoring Committee/Judicial Committee for de-sealing of the property in question.

12. Further, the petitioner shall submit an undertaking that the petitioner shall use the property in question only as per the user prescribed under the Master Plan of Delhi, 2021.

13. The petitioner is granted liberty to do the needful, within a period of two weeks, from today.

14. Needless to state, upon such representation being made by the petitioner, the representation of the petitioner, would be considered by the Monitoring Committee/Judicial Committee, in accordance with law.

15. Noting the aforesaid, the present applications are accordingly disposed of.

3. Accordingly, considering the aforesaid, no orders are required to be passed in the present petition.

4. The present petition is accordingly disposed of, along with the pending application.

MINI PUSHKARNA, J

JULY 14, 2026/KR