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

% **Date of Decision: 15th October, 2025**

+ W.P.(C) 15881/2025
UMESH YADAV

.....Petitioner

Through: Mr. K. C. Mittal, Mr. Yugansh Mittal
and Mr. Keshav Poonia, Advs.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER

.....Respondent

Through: Mr. Siddharth Gupta, SC for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed seeking directions to the respondent for de-sealing of the property bearing *Shop No. 2, Rao Heera Singh Market, Naharpur Village, Rohini Sector-7, Delhi-110085*.
2. Learned counsel appearing for the petitioner submits that the petitioner seeks de-sealing of the said shop, since the same is lying sealed, in pursuance of the order dated 04th October, 2018, passed by the National Green Tribunal ("NGT") in *O.A. No. 435/2016*, titled as "*N S Yadav & Ors. Versus Commissioner, North MCD & Ors.*".
3. It is submitted that the order passed by the NGT was with regard to stopping the activities of servicing, repairing, denting, painting and junk dealing, etc. being carried out by various unauthorized car-shops in the area in question.
4. However, it is submitted that as far as the petitioner is concerned, the



petitioner was only carrying out sale and storage of car accessories which is not a polluting activity. Thus, it is submitted that despite the aforesaid, the respondent authorities sealed the premises of the petitioner, purportedly in compliance of the NGT order dated 14th October, 2018.

5. It is further submitted that the case of the petitioner is covered by a similar writ petition, i.e., *W.P.(C) 8818/2023*, titled as “*Anand Yadav & Anr. Versus Municipal Corporation of Delhi*”, wherein by judgment dated 11th July, 2025, directions were issued by this Court for considering the case for de-sealing.

6. It is further submitted that the petitioner is the lawful owner of the property in question, which was rented out to the tenant, i.e., M/s Abhishek Car Associates, to carry on the business of sale and storage of car accessories. Thus, it is submitted that the action of sealing has been taken pursuant to the directions of the NGT in the order dated 04th October 2018, despite the fact that the same only relates to polluting services, which include, servicing, repairing, denting, painting and junk dealing, etc.

7. Learned counsel appearing for the petitioner submits that the petitioner undertakes that the petitioner shall use the property in question only for the purposes, which are permissible as per law.

8. At this stage, learned counsel appearing for the respondent-Municipal Corporation of Delhi (“MCD”) submits that MCD is ready to de-seal the property in question, provided the misuser charges are paid by the petitioner, as per law.

9. However, learned counsel appearing for the petitioner submits that the petitioner or his tenant did not indulge in any polluting activities, thus, the petitioner is not liable to pay any misuser charges.



10. Having heard learned counsels for the parties, it is directed that the petitioner shall approach the Assistant Commissioner, Rohini Zone, MCD, and shall duly file the requisite application for de-sealing, with an undertaking that the petitioner shall use the property in question only in consonance with the activities which are permissible as per the Master Plan of Delhi 2021 (“MPD, 2021”).

11. It is further directed that in the aforesaid undertaking, it shall specifically be stated that the petitioner or any person authorized by the petitioner shall not carry out any impermissible activities.

12. This Court takes note of the submission made by learned counsel appearing for the petitioner that the petitioner is not liable to pay any misuser charges as no misuse has been carried out by the petitioner.

13. Accordingly, it is directed that the Assistant Commissioner, Rohini Zone, MCD, shall deal the said property of the petitioner. 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 property of the petitioner shall be duly made by the MCD.

14. Further, photographs shall also be taken by the MCD at the time of the de-sealing of the property by the petitioner, in order to ascertain the status of the goods lying inside the petitioner’s shop.

15. Accordingly, the Assistant Commissioner, Rohini Zone, MCD, thereafter shall assess as to whether the petitioner is required to pay any misuse charges, and to what extent.

16. Let the requisite de-sealing application, along with the undertaking be filed by the petitioner, within a period of ten days, from today.

17. Upon the petitioner filing the requisite application, along with



2025:DHC:9301



undertaking, respondent MCD shall consider the said application of the petitioner, in accordance with law.

18. Further, the petitioner is also held bound to comply with any directions that may be given by the MCD for the purpose of considering the application of the petitioner for de-sealing.

19. The application of the petitioner for de-sealing shall be considered expeditiously by the MCD, within a period of four weeks, from the receipt of the application of the petitioner.

20. With the aforesaid directions, the present writ petition, stand disposed of.

MINI PUSHKARNA, J

OCTOBER 15, 2025/KR