



2025:DHC:8744



\$~86

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

% **Date of Decision: 26th September, 2025**

+ W.P.(C) 15120/2025, CM APPL. 62124/2025 & CM APPL.
62125/2025

SUBHASHINI DEWAN

.....Petitioner

Through: Mr. Nikhil Mehra, Mr. Nakul Grover,
Mr. Ashutosh Jain and Mr. Madhav
Jaiswal, Advs.
Mob: 9810776904 & 9811801919
Email:
nikhilmehra.chambers@gmail.com

versus

DEPUTY COMMISSIONER MCD & ORS.

.....Respondents

Through: Mr. Vinod Kumar Khanna, Adv. for
MCD.
Mob: 9891081919
Email:
vinodkhanna_27@rediffmail.com
Mr. Vipul Garg and Mr. Adarsh
Shesha, Advs. for R-3
Mob: 8700614239
Email: vipulgr29@gmail.com



CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
MINI PUSHKARNA, J. (Oral)

1. The present writ petition has been filed seeking to quash the Sealing Order dated 08th September, 2025, and Letter dated 16th September, 2025 passed by the respondent – Municipal Corporation of Delhi (“MCD”), holding that the tenancy in petitioner’s property bearing *No. 11, Block No. 28, East Patel Nagar, Delhi* is violative of the usage provisions of Master Plan for Delhi, 2021 (“MPD-2021”) and the Unified Building Bye-Laws for Delhi, 2016 (“UBBL-2016”).
2. Learned counsel for the petitioner submits that a Show Cause Notice dated 13th December, 2024, was issued to the petitioner, for alleged violation of the MPD-2021 and misuse/occupancy of the property in question without payment of requisite charges. In response thereto, the petitioner had submitted a reply dated 17th December, 2024, stating that no conversion charges were required to be paid in respect of the property in question, as the same fell under “Convenient Shopping Centre” at *East Patel Nagar, New Delhi*.
3. He further submits that pursuant thereto, on 25th August, 2025, the MCD again issued a notice that the Town Planning Department, MCD had ascertained some portion to be ‘residential’ and demanded copy of the lease deed. In compliance thereto, the petitioner again submitted its reply dated 28th August, 2025 and again reiterated her earlier submissions.



4. It is submitted that the Sealing Order dated 08th September, 2025, is *non-est* because the property in question falls under the category of “Convenient Shopping Center” at *East Patel Nagar, New Delhi*, on which, no conversion charges are applicable even under the Zonal Development Plan B-6, issued by the Town Planning Department, MCD in year 1950.

5. Learned counsel for the petitioner submits that the status of the property in question as a “Convenient Shopping Center” has been confirmed *vide* reply Right to Information (“RTI”) letter dated 12th February, 2007 issued by the Land & Development Office (“L&DO”) Department and *vide* RTI reply dated 06th October, 2008 issued by the Chief Engineer-VIII, MCD.

6. It is submitted that, contrary to the aforesaid RTI communications and petitioner’s replies/representations, the respondent-MCD has now passed the Sealing Order dated 08th September, 2025 and has also initiated sealing action against the tenants of the petitioner by sealing the juice center and issuing the Letter dated 16th September, 2025 to respondent no. 4, i.e., Indian Bank.

7. He further submits that the petitioner has also filed an appeal before the Appellate Tribunal MCD (“ATMCD”) against the Sealing Order dated 08th September, 2025, and the Letter dated 16th September, 2025. However, due to the fact that, at present, there is no Presiding Officer in the ATMCD, the present petition has been filed by the petitioner.

8. Learned counsel appearing for the petitioner draws the attention of



this Court to the various documents, to show that the plot in question is situated in an area, which has been recognized for convenient shopping.

9. *Per contra*, learned counsel appearing for respondent-MCD, on advance notice, has handed over copies of certain documents to this Court, which are taken on record.

10. Learned counsel appearing for the MCD submits that an inspection was carried out by the Monitory Committee on 14th November, 2024, pursuant to which, direction was given to the Deputy Commissioner, Karol Bagh Zone, MCD, to verify the status of all the roads/areas and take action against the violators in those areas, for any violation of MPD-2021.

11. It is submitted that subsequently, another Minutes of Meeting was issued by the Monitoring Committee on 21st August, 2025, wherein, directions were given to the Deputy Commissioner Karol Bagh Zone, to conclude the hearings in all the cases, wherein Show Cause Notices had been issued and seal all the premises, wherever the notices were issued.

12. Learned counsel appearing for the MCD further submits that pursuant to the directions of the Monitoring Committee, status of the area in question, wherein the premises of the petitioner are situated, was verified. It is submitted that upon verification, it was found that the said premises are situated on a non-notified road.

13. He further submits that in compliance to the directions of the Monitoring Committee, a hearing was duly granted to the petitioner and the petitioner was asked to give a copy of the lease deed, which has not been



given. He submits that the Sealing Order dated 08th September, 2025 issued by the Deputy Commissioner, Karol Bagh Zone, MCD, categorically records that as per the Town Planning Department of the MCD, the area in question is for residential purposes. He draws the attention of this Court to the relevant paragraph of the Order dated 08th September, 2025, which reads as under:

“xxx xxx xxx

AND, simultaneously, in the light of submission made (with supporting documents) by the noticee that the property, in question falls under the category of convenient shopping center and are not required to pay conversion charges; clubbing such pleas altogether, the matter was taken up with Town Planning Department/MCD. Accordingly, after examining the matter, the Town Planning Department/MCD vide its note dated 14/08/2025 has opined as under:-

“The site marked as green on the survey plan of East, west & South Patel Nagar as provided by the Zonal office shown as ‘residential’. Further, the details of property as shown in approved layout plan need to corroborate with the use given in lease deed.”

xxx xxx xxx”

14. At this stage, learned counsel appearing for the petitioner submits that the petitioner has approached this Court only for a limited purpose. He submits that in terms of the Delhi Municipal Corporation Act, 1957 (“DMC Act”), an appeal is maintainable against a sealing order before the Appellate Tribunal MCD (“ATMCD”). Since, at present, there is no Presiding Officer in the ATMCD, the present writ petition has been filed.

15. He submits that the petitioner seeks only a limited protection till the appeal of the petitioner is heard by the ATMCD.

16. *Per Contra*, learned counsel appearing for the respondent-MCD



submits that since, in the present case, all the actions have been initiated by the MCD in terms of the directions of the Monitoring Committee, the petitioner would have to approach the Judicial Committee, as constituted by the Supreme Court.

17. Learned counsel for the MCD has handed over a copy of the order dated 13th September, 2022, passed by the Supreme Court in *W.P.(C) 4677/1985*, titled as “*M.C. Mehta Versus Union of India & Ors.*”, to submit that a Judicial Committee consisting of Justice Pradeep Nandrajog, retired Chief Justice of the Bombay High Court, and Justice G.S. Sistani, retired Judge of the Delhi High Court, has been constituted. He submits that all the matters relating to sealing and de-sealing are heard by the said Judicial Committee, wherever such action is taken at the instance of the Monitoring Committee. The relevant portion of the aforesaid order passed by the Supreme Court, reads as under:

“xxx xxx xxx

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”

(Emphasis Supplied)

18. Responding to the same, learned counsel appearing for the petitioner submits that he shall approach the Judicial Committee, as per the directions of the MCD.
19. Accordingly, it is directed that the petitioner shall approach the aforesaid Judicial Committee, as directed by the MCD, in order to assail the Sealing Order dated 08th September, 2025, issued by the Deputy Commissioner, Karol Bagh Zone, MCD.
20. It is directed that the requisite complaint/application shall be made by the petitioner before the Judicial Committee, within a period of two weeks, from today.



2025:DHC:8744



21. It is clarified that, in case, the petitioner files the appropriate application before the Judicial Committee, no coercive steps shall be taken by the MCD against the petitioner, during the pendency of the said application before the Judicial Committee.

22. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 26, 2025/sk