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

% **Date of Decision: 15<sup>th</sup> July, 2025**

+ CM(M) 3790/2024 & CM APPL. 16419/2021

SDMC

.....Petitioner

Through: Mr. Tushar Sannu, Standing Counsel  
for MCD with Mr. Parvin Kumar  
Bansal, Advocate

versus

DEEPAK MEHTA

.....Respondent

Through: Mr. Arun Malik, Mr. Dinesh Monga,  
Mr. Arjun Malik, Ms. Vrinda Awasthi  
and Mr. Kharanshu Rana, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The property in question is situated in Lajpat Nagar which was, eventually, converted to freehold.
2. It was sealed by SDMC on 25.07.2019.
3. Such action was challenged by the respondent herein by filing an appeal before learned Appellate Tribunal, MCD. Learned Appellate Tribunal, MCD allowed the appeal *vide* order dated 03.02.2020 while also holding that before taking any action under Section 345-A of Delhi Municipal Corporation Act, 1957, it was obligatory for the Corporation to have served a notice upon the person concerned and to have afforded him an opportunity of hearing, as sealing of the property affected the civil rights of citizens.
4. Such order was challenged by MCD by filing an appeal before the



Appellate Authority i.e. learned District & Sessions Judge.

5. However, such Appellate Authority has also dismissed the appeal and directed the subject property to be de-sealed.

6. Such order is under challenge.

7. According to MCD, there were several misrepresentations and, moreover, the property in question was though residential but was being used for commercial purposes.

8. When the present petition was entertained on 17.05.2021, the direction regarding de-sealing of the property was directed to be stayed.

9. The matter was heard on various previous occasions and even photographs of the property were directed to be placed on record.

10. The impugned order would clearly indicate that while ordering de-sealing of the property, MCD has also been given liberty to take action afresh, after giving fresh notice or by following due process of law. Thus, the interest of petitioner has been, already, adequately protected.

11. After hearing arguments for some time from learned counsel for both the parties, the present petition is disposed of with direction to MCD to de-seal the property in terms of the order dated 21.01.2021.

12. Let such de-sealing be done within one week from today.

13. In terms of impugned order, MCD would be at liberty to take fresh action in respect of the suit property, *albeit*, after giving fresh notice and it is expected that MCD would follow due process of law and there would be no arbitrariness or any pick and choose policy. While considering any such fresh action, MCD would not be influenced by the observations appearing in the order passed by Appellate Tribunal, MCD as well as the order impugned herein.



14. However, in order to avoid any unnecessary complication in the matter, show cause notice, if any, be issued by MCD only after, the property in question is de-sealed.

15. Learned counsel for respondent also submits that in case de-sealing is done within the period of one week from today as directed above, the respondent would not press their pending contempt petition.

16. Petition stands disposed of in the aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 15, 2025/dr/shs**