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

Date of Decision: 30th November, 2022

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W.P.(C) 15960/2022

FARIDA BEGUM

..... Petitioner

Through: Mr. Sarvendra Singh Waha and Mr.
Anil Kumar Verma, Advocates.

versus

GOVT. OF NCT OF DELHI THROUGH DY LABOUR
COMMISSIONER & ANR.

..... Respondents

Through: Ms. Hetu Arora Sethi, ASC for R-1.
(M:9810368590)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. The Petitioner - Farida Begum has filed the present petition seeking de-sealing of the property bearing No. X-4375, Gali No.8, Ajit Nagar, Gandhi Nagar, Delhi-110031 (*hereinafter 'subject property'*) and setting aside of the order dated 16th February, 2021 issued by the Respondent No. 1- Govt. of NCT of Delhi.
3. The chronology of events is that the Petitioner rented out the subject property to one Mr. Rajesh Kumar @ Rajesh Sheikh on 1st February, 2021. The said tenant was found to be engaging child labour at the tenanted property due to which the premises was sealed on 16th February, 2021 by the concerned SDM, Vivek Vikar, DM Shahdara Office. The police authorities then registered an FIR against the said tenant being FIR No. 0040/2021 at Police Station, Gandhi Nagar, Delhi.

4. By the last order dated 21st November, 2022 this Court had directed the police authorities to revert on the status of the FIR. Ms. Sethi, Id. Counsel for the Respondent today submits that the tenant is absconding. He is not traceable and has not yet been arrested. She also submits that the demand drafts, which were deposited by the tenant, who is stated to be the employer, have also been cancelled. According to Ms. Sethi, Id. Counsel this fact has been recorded in the order of the Labour Commissioner dated 13th October, 2022.

5. The prayer of Id. Counsel for the Petitioner is that the Petitioner cannot be made to suffer due to the misconduct of the tenant. He, thus, prays that the property be de-sealed.

6. A perusal of the sealing order would show that the sealing has been done in the name of Respondent No.2 Rajesh Sheikh. He was stated to be engaged in the business of stitching/tailoring in the said property. The tenant was found by the Labour Commissioner, to have engaged children in the said business. Various other properties in the surrounding area, which were inspected, showed that a total of 30 children were employed in various premises. It is stated that the two other accused have been arrested and later released on bail. A perusal of the order dated 13th October, 2022 passed by the labour commissioner would show that the demand drafts, which were deposited, were also cancelled by the Respondent No.2/tenant.

7. The Petitioner is merely the landlady of the subject property, and one of her sources of income is rent on the said property. She cannot be made to suffer indefinitely due to misconduct of the tenant. Moreover, Id. Counsel for the Petitioner submits that the tenant has not paid even up-to-date rent, and the landlady has already suffered immensely. There are no allegations

against the Petitioner of having been complicit in any manner with the tenant.

8. Under such circumstances, since the Respondent No.2 is absconding, this Court is of the opinion that the Petitioner ought to be permitted to use her property.

9. In the facts and circumstances of the case, the concerned SDM is directed to de-seal the subject property bearing No.X-4375, Gali No.8, Ajit Nagar, Gandhi Nagar, Delhi-110031. This de-sealing shall be subject to the condition that if the Petitioner, learns about the whereabouts of Respondent No.2, she shall provide the information immediately to the concerned police authorities. The authorities are free to proceed and take action in accordance with law against Respondent no.2. Nothing in this order shall be construed as an opinion on merits qua the Respondent no.2.

10. The Writ Petition is allowed in the above terms. No further orders are called for. All pending applications are disposed of.

**PRATHIBA M. SINGH
JUDGE**

NOVEMBER 30, 2022/dk/am