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

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

+ W.P.(C) 10834/2024

HEENA KAUSAR

.....Petitioner

Through: Mr. Javed Ahmad, Ms. Aakriti Aditya
and Mr. Adnan Khan, Advs.

versus

MCD AND OTHERS

.....Respondents

Through: Mr. Himanshu Gupta and Mr. Yug
Pratik, Advs. for R-5 to 15
Mr. Tushar Sannu, SC with Mr.
Vishal Ji, Adv. for MCD

+ W.P.(C) 2964/2025 & CM APPL. 14043/2025

MEENU GANDHI & ORS.

.....Petitioners

Through: Mr. Himanshu Gupta and Mr. Yug
Pratik, Advs.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER & ORS.

.....Respondents

Through: Mr. Javed Ahmad, Ms. Aakriti Aditya
and Mr. Adnan Khan, Advs.
Ms. Ritu Reniwal, SPC for R-5
Mr. Ashutosh Gupta, Adv. for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

1. W.P.(C) 10834/2024 has been filed seeking directions to demolish the



dangerous and dilapidated property/building bearing No. 1679, measuring 128 Sq. Yards situated at Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, Delhi-110002.

2. *Per contra*, W.P.(C) 2964/2025 has been filed by the tenants of the ground floor and mezzanine floor of the property in question, with prayer for quashing the orders dated 11th February, 2025 passed by the Municipal Corporation of Delhi (“MCD”) under Sections 348 and 349 of the Delhi Municipal Corporation Act, 1957 (“DMC Act”), in respect to ground floor and mezzanine floor of the said property, i.e., No. 1679, Measuring 128 Sq. Yards situated at Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, Delhi.

3. While it is the case of the petitioner in W.P.(C) 10834/2024, that the whole property in question is dangerous, on the other hand, learned counsel appearing for MCD submits that only front portion of the first floor and some portion of the second floor of the building are dangerous, which have been declared so by the MCD.

4. Learned counsel appearing for the MCD further submits that the ground floor and mezzanine floor of the property are not dangerous.

5. Attention of this Court is drawn to the orders dated 11th February, 2025, issued by the Office of the Executive Engineer (M)-II, City SP Zone, MCD, which are reproduced as under:



ANNEXURE - P - 11(COLLY.)

MUNICIPAL CORPORATION OF DELHI
Office of the Executive Engineer (M)-II, City SP Zone
Tourist Camp, Asaf Ali Road, New Delhi-110002

दिल्ली नगर निगम अधिनियम, 1957 (1957 का 68वा) की धारा 349 के अधीन आदेश

D/AE(M)-IVCSPZ/2023-66

दिनांक 11/2/25

सेवा में

Smt. Heena Kausar & others

P.No. 1679, Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002.

Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002, स्थित भवन संख्या 1679, Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002, की अधिनोक्ता का नाम Owner/Occupier, ऐसा देखा गया है कि Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002, स्थित भवन संख्या 1679, Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002 जिसके आप अधिनोक्ता हैं, निम्न कारणों से खतरनाक स्थिति में है, तथा जन सुरक्षा के हित को देखते हुए, आमुक्त दिल्ली नगर निगम की सम्मति में कथित भवन को खाली करना आवश्यक है।

1. The maintenance of the building is found out to be of very low quality.
2. Some part of the building structure seems to be disoriented and out of alignment.
3. Rusting of steel sections and other places were observed.
4. Vertical and diagonal cracks were also found on the load bearing walls at different places including on floor which is beyond repairable condition.
5. Swelling of walls at various places observed.
6. Some walls are not of alignment & portion of walls is tilting outward.
7. Dampness and seepages of water is found at various areas.

मे Mohd. Shakil, दिल्ली नगर निगम का Assistant Engineer (Maintenance) निगमायुक्त द्वारा विषयगत निर्देशन, अधिसूत एवं प्रदत्त भविष्य की अनुसार एतद् द्वारा आपको निर्देश देता हूँ कि Three days के भीतर खाली कर दे और खाली करने के होने वाले कष्ट को तत्काल सहन करे अथवा रोक कर ले।

कृपया ध्यान दें, यदि इस आदेश का पालन न किया गया तो दिल्ली नगर निगम अधिनियम, 1957 की धारा 349 की उपधारा (2) के अन्तर्गत बिना किसी पूर्व चेतावनी के कार्यवाही कर दी जाएगी।



Asst. Engr. (Maintenance)
City SP Zone
Asaf Ali Road, New Delhi-110002

- अतिरिक्त
1. एतद् आदेश Darya Ganj मुख्यालय और जयपुर नगरपाली से प्राप्त भवन में खाली करने के लिए आवश्यक भवन को खाली न करे जो आप खतरनाक भवन को दिल्ली नगर निगम अधिनियम 1957 की धारा 349 की उपधारा (2) के अन्तर्गत बिना किसी पूर्व चेतावनी के कार्यवाही कर दी जाएगी।
 2. अतिरिक्त (To keep vacate the premises during demolition of dangerous portion)
 3. अतिरिक्त अधिनियम (नगर) / अतिरिक्त अधिनियम (निगम)
 4. अतिरिक्त अधिनियम



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MUNICIPAL CORPORATION OF DELHI
Office of the Executive Engineer (M)-II, City SP Zone
Tourist Camp, Asaf Ali Road, New Delhi-110002

दिल्ली नगर निगम अधिनियम, 1957 (1957 का 66वा) की धारा 348 के अधीन
आदेश

आदेश: D/EE(M)-II/DB/CSPZ/2025/857

दिनांक 11/2/25

सेवा में,

स्वामी / अधिकारता

Smt. Heena Kausar.

मकान संख्या

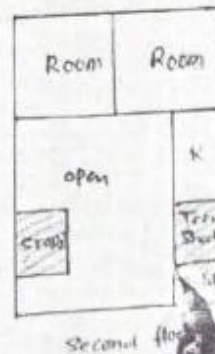
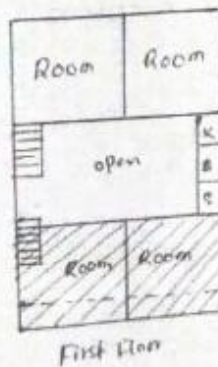
1679, Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002.

क्षेत्र संख्या Ward No. 75

Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002, स्थित मकान संख्या 1679, Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002 के स्वामी/अधिकारता (का नाम) Owner/occupier(s), ऐसा देखने में आया है कि मकान संख्या 1679, Kucha Dakhni Rai, Netaji Subhash Marg, Darya Ganj, New Delhi-110002 जिसके आप स्वामी / अधिकारता हैं, मधकर दया में है, और वह उस स्थान के रहने वाली तथा राहतगोरो के लिये रखतारनाक है।

मैं दिल्ली नगर निगम का Executive Engineer (M)-II, Jagmohan Meena निम्नलिखित द्वारा विनिर्दिष्ट आदेशित, अधिकृत एवं प्रदत्त भाषित्वों के अनुसार एतद् द्वारा सीमा करता हूँ कि आप इस आदेश के प्राप्त करने पर Seven दिन के भीतर कथित मकान को बहा दें।

कृपया ध्यान दें, यदि आदेश में उल्लिखित अवधि के भीतर इस आदेश का पालन न किया गया हो दिल्ली नगर निगम अधिनियम, 1957 की धारा 348 की उपधारा (4) के अन्तर्गत बिना किसी पूर्व चेतावनी के कार्यवाही कर दी जाएगी।



11.2.25
Executive Engineer (M)-II
City SP Zone
Tourist Camp, Asaf Ali Road, New Delhi-110002

प्रतिलिपि

1. एत एच.ओ. Darya Ganj सूचनाओं और उचित कार्यवाही हेतु।
2. अधिकारता। (For information)
3. अधिकृत अधिकारता (मकान) / अधिकृत अधिकारता (निर्माण)।



6. By referring to the aforesaid orders, learned counsel appearing for the MCD submits that the dangerous portions in the building in question have been shown in the rough site plan as the shaded portions, which clearly show that only part of first floor and second floor have been declared as dangerous by the MCD, and not the ground floor and mezzanine floor.
7. Learned counsel appearing for the MCD submits that they shall take action for removal of the dangerous portions of the building, as shown in the aforesaid orders.
8. At this stage, learned counsel appearing for the petitioners in *W.P.(C) 2964/2025*, i.e., who are the tenants of the ground floor and mezzanine floor of the property, submit that the said tenants shall cooperate with the MCD in taking any action for removal of dangerous portions of the building.
9. Accordingly, the MCD is directed to remove the dangerous portions of the building in question, in terms of the orders dated 11th February, 2025, issued by the Office of the Executive Engineer (M)-II, City SP Zone, MCD.
10. The tenants on the ground floor and mezzanine floor are directed to cooperate with the MCD, and shall comply with any directions, as issued by the MCD, for the purposes of taking action against the dangerous portions of the building in question.
11. At this stage, learned counsel appearing for the petitioners in *W.P.(C) 2964/2025* submits that since the petitioners are tenants, residing on the ground floor and mezzanine floor of the property in question, their occupation of the portions occupied by them be preserved.
12. Needless to state, the present is not an eviction petition. Thus, in case the petitioners in *W.P.(C) 2964/2025*, who are the tenants of the ground floor and mezzanine floor of the property, vacate the premises for the



purposes of demolition of the dangerous portions of the building by the MCD, after the requisite action has been taken by the MCD, the said tenants can re-occupy the portions already occupied by them before such action of the MCD.

13. Learned counsel appearing for the petitioner in *W.P.(C) 10834/2024* submits that though the MCD states that only parts of the of first and second floors are in dangerous and dilapidated condition, however, he submits that other portions of the building are also in a dangerous and dilapidated condition.

14. Accordingly, the MCD is at liberty to inspect the whole property and assess as to whether other portions of the building are also in dangerous and dilapidated condition. In case, certain repair work is required with regard thereto, the MCD shall issue directions with respect to carrying out the required repair work. However, in case, the building cannot be restored even with repair work, requisite action shall be taken by the MCD, in accordance with law.

15. Needless to state, the cost for demolition of any dangerous portion of the building, shall be borne by the respective occupants of the building.

16. With the aforesaid directions, the present petitions, along with the pending applications, stand disposed of.

MINI PUSHKARNA, J

SEPTEMBER 15, 2025/KR