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

\+ LPA 693/2025 & CM APPL. 70704/2025

KAIFA .....Appellant

Through: Mr. Momin Fazal, Mr. A.F. Faizi, Ms. Aastha Gupta, Mr. Rehan Ahmad Khan, Mr. Waseem Ahmad, Advocates

versus

GOVT. OF NCT OF DELHI & ORS. .....Respondents

Through: Ms. Nikita Bhutani, Adv. for R-1.
Ms. Shivangi Kumar with Mr. Aman Kumar, Advs. for MCD.

Date of Decision: 13th November, 2025

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G E M E N T

TUSHAR RAO GEDELA, J: (ORAL)

1. Present Letters Patent Appeal has been filed assailing the order dated 15.10.2025 passed by the learned Single Judge whereby the writ petition bearing W.P.(C) 10737/2025 filed by the appellant seeking compensation for grievous injuries sustained due to illegal construction permitted by negligent public authorities, was disposed of without adjudication of the core relief sought for compensation.

2. It is the case of the appellant that the appellant, a 21 year old student, sustained catastrophic spinal injuries on 17.11.2024 when bricks from an unauthorized six-storey construction raised by the private respondent no.5 collapsed on her near Zakir Nagar, Jamia Nagar, Okhla, New Delhi resulting in

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C6-7 compression flexion spinal injury and quadriplegia. It is stated that despite repeated complaints and registration of FIR No.439/2024 at P.S. Jamia Nagar, the respondent authorities - the Municipal Corporation of Delhi and the Delhi Police failed to take preventive or remedial measures. It is claimed that the appellant has since incurred medical expenses exceeding Rs.6,00,000/- and continues to live with permanent disability, severe pain, and loss of livelihood prospects.

3. Learned counsel for the appellant states that by the impugned order dated 15.10.2025, the learned Single Judge merely recorded the statement of the Municipal Corporation of Delhi (MCD) that demolition had been undertaken for deviations and directed future compliance with the sanctioned building plan, thereby overlooking the appellant's prayer for compensation arising from the State's inaction and abdication of statutory duty. It is thus stated that the present appeal has been filed with a limited prayer for remand of the underlying writ petition to the learned Single Judge for fresh adjudication on merits, particularly on the prayer to adjudicate the liability of respondents for failure of statutory duties leading to grievous injury to the appellant and award of appropriate compensation commensurate with the loss and suffering of the appellant.

4. We have heard the learned counsel for the parties and perused the impugned order as well as the pleadings.

5. It would be apposite to extract the prayer clause of the underlying writ petition, which is as under:-

> *"i. issue a writ, order or direction in the nature of mandamus or other writ thereby directing to Respondent No- 3 for the compensation to the Petitioner;*
>
> *ii. issue a writ, order or direction in the nature of mandamus or other writ thereby directing State Respondents No- 4 herein to take appropriate actions against illegal construction raised by the private Respondent No- 5 herein.*

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iii. issue a writ, order or direction in the nature of mandamus or other writ thereby directing to Respondent No-5 herein to prevent further illegal/unauthorised construction;

iv. award costs;

v. pass any other/further order/s which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

6. It is apparent that the appellant had sought award of compensation on account of severe injuries received by her on account of the bricks etc. falling from the building under construction of respondent no.5. The learned Single Judge has disposed of the writ petition on the basis of status report of the MCD only in respect to action to be taken against the violation of the sanctioned building plan. The consideration of the prayer regarding award of compensation is conspicuous by its absence in the impugned order.

7. We thus are of the considered opinion that rather than this Court adjudicating upon the said prayer, it would be more appropriate to remit the matter for consideration by the learned Single Judge only on the issue of compensation.

8. Accordingly, keeping the observations and analysis of the learned Single Judge in the impugned order dated 15.10.2025 intact, we remit the matter to the learned Single Judge for consideration of the prayer of the appellant seeking compensation on merit.

9. This appeal is accordingly disposed of alongwith pending application, if any.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

NOVEMBER 13, 2025/*rl*

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