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

% ***Date of Decision: 23rd July, 2025***

+ **CM(M) 1320/2025 & CM APPL. 43638-43639/2025**

RAKESH SINGH & ORS.

.....Petitioner

Through: **Mr. Sameer Nandwani and Mr. Sanjiv Sharma, Advocates (Through VC)**

versus

SUSHIL KUMAR & ORS.

.....Respondent

Through: **Ms. Chhaya, Advocate for R-1 & R-2
Mr. G.S. Oberoi, Standing Counsel for
MCD with Mr. Ankur Sharma and Ms.
Shaifali Jain, Advocates for MCD**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners have filed a civil suit which seeks injunction.
2. They are residing in different portions of Property No. 2647, Shadi Pur, Main Bazar, New Delhi-110008 and claim themselves to be the tenants under defendant no. 1 and defendant no. 2 for more than last forty years.
3. According to them, the rent ranges between Rs. 200/- to Rs. 500/- per month and their landlords were pressurizing them to vacate the tenanted premises but since they were unsuccessful in their such endeavour, they, eventually, in collusion with the officials of Municipal Corporation of Delhi, got a notice issued, declaring the building in question to be dangerous.
4. It is in the aforesaid backdrop that they have filed suit with the prayer that landlords be restrained from dispossessing them and also seek injunction



against Municipal Corporation of Delhi from demolishing the property in any manner whatsoever.

5. Learned Trial Court declined grant of any injunction, holding that they had no *prima facie* case in their favour.

6. Such order was challenged by them by filing an appeal before the learned First Appellate Court and learned First Appellate Court has also come to the same conclusion.

7. Such order passed by learned First Appellate Court on 08.07.2025 is under challenge.

8. As per inspection report given by Municipal Corporation of Delhi, the building in question appears to be dangerous and, therefore, it has recorded that in the interest of public at large and passersby, such building needs to be vacated, demolished, secured or majorly repaired to prevent any kind of danger. Their notice dated 23.01.2024 records reasons as under: -

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. *Roof of rooms was found in very dilapidated/ sagging condition.*
4. *Vertical and diagonal cracks were also found on the load bearing walls & columns at different places including on floor which is beyond repairable condition.*
5. *Swelling of walls at various places observed.*
6. *Some walls are not in alignment & portion of walls is tilting outwards.*
7. *Sagging of roof slab are also observed at some rooms.*
8. *Chajjas at some places is found to be disoriented.*
9. *Orientation of floor slab of some room is found to be disoriented/ tilting.*
10. *Dampness and seepages of water is found at various areas.*”

9. It also needs to be highlighted that when the matter was pending consideration before the learned First Appellate Court, a report was sought from a neutral agency and such neutral agency i.e. CSIR-Central Building Research Institute, has given report about the structural stability of the



premises in question and their conclusion and remarks are as under:-

“The evaluation of the building (Property No. 2647), situated in the main market of Shadipur, New Delhi, reveals that the degradation of mild steel and timber beams, absence of engineered construction practices, environmental exposure, and the age of the structure are the primary factors contributing to its dilapidation. The building is situated in Zone IV, characterized by high seismic zone. Given that the building construction does not follow the design codes IS 4326:2013: “Earthquake Resistant Design and Construction of Buildings” and IS:1893 Part I - 2016 “Criteria for Earthquake Resistant Design of Structures - Part I: General Provisions and Buildings”, in addition the building is highly vulnerable as per vulnerability assessment. Therefore, the safety of the building is a very concerning issue and highly unstable. These issues contribute to a high degree of instability, posing a threat to the safety of the occupants.”

10. Evidently, in view of the aforesaid specific reports given by the experts, the learned First Appellate Court also came to the conclusion that there was no infirmity in the order passed by the learned Trial Court. It observed that Municipal Corporation of Delhi was following due process of law and has taken steps as per the *Delhi Municipal Corporation Act, 1957* and the Corporation was also concerned to protect the life not only of the occupants of the building but also of the passersby and the adjacent habitants and, therefore, there was no *prima facie* case in favour of the petitioners herein.

11. Naturally, the order seems to have been passed, keeping in mind the safety concern of the petitioners themselves.

12. It is, however, little surprising and intriguing as to when there is a clear-cut relationship of landlord and tenant between the parties and if the building is unsafe or unfit for human habitation and the landlords are actually inclined to carry out repairs which cannot be done without the premises being vacated, why such landlords have not filed any *Eviction Petition* under



Section 14(1)(f) Delhi Rent Control Act, 1958, which also makes provision of right of re-entry to any such tenant in terms of Section 20 of Delhi Rent Control Act, 1958.

13. It is upto the landlords to file appropriate petition, if they have some *bonafide* intention in this regard.

14. Be that as it may, keeping in mind the specific reports given by the experts in the field, this Court does not find any reason to interfere with the impugned order by invoking its supervisory jurisdiction under Article 227 of the Constitution of India.

15. The present petition is accordingly dismissed.

16. All the pending applications also stand disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 23, 2025/dr/shs