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

+ **W.P.(C) 3526/2025 & CM APPLs. 16518/2025 & 16519/2025**

FAHIMUDDIN

.....Petitioner

Through: Mr. M.K. Mishra with Mr. Imran
Khan, Advocates with petitioner in
person.
(M): 9873171238

versus

MUNICIPAL CORPORATION OF DELHI & ANR.....Respondents

Through: Mr. Abhinav Singh with Mr. Vinod
Gayal, Advocates.
(M): 9811188892

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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21.03.2025

CM APPL. 16518/2025 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 3526/2025 & CM APPL. 16519/2025 (Application for ad-interim order)

3. The present writ petition has been filed with a prayer for directions to the respondents to remove their lock from the petitioner's property and hand over the possession of the same to the petitioner.
4. Learned counsel appearing for the petitioner submits that the petitioner purchased a built up property, i.e., *L-93, Gali no. 1, Sunder Nagri*,



Delhi-93, from one Smt. Rihana, w/o Sh. Naushad, who duly executed the requisite documents in favour of the petitioner. Thus, petitioner is the absolute owner in possession of the said property.

5. It is submitted that the possession of the property in question, has been taken over by the respondents/Municipal Corporation of Delhi (“MCD”), on the ground that the property of the petitioner is dangerous.

6. Issue notice.

7. Notice is accepted by learned counsel appearing for the respondents, who submits that the property in question i.e., property bearing no. *L-93, Gali no. 1, Sunder Nagri, Delhi-93*, has been declared as dangerous on 14th June, 2023. Thus, he submits that the possession of the property has been taken over by the MCD for carrying out the requisite action.

8. At this stage, learned counsel appearing for the petitioner, on instructions from the petitioner, who is present in Court, submits that the petitioner undertakes to carry out the requisite repair work in the building and shall submit a Structural Stability Certificate to the respondents. He further undertakes that the petitioner shall undertake the construction work in the property in question expeditiously, within a period of four months from today, so that the building is no longer dangerous.

9. In response, learned counsel appearing for the MCD submits that any repair work to be carried out by the petitioner, has to be under the supervision of the Structural Engineer, who is empanelled with the MCD.

10. Accordingly, the property i.e., *L-93, Gali no. 1, Sunder Nagri, Delhi-93*, is directed to be de-sealed for a period of four months.

11. The petitioner shall carry out the requisite repair work in the property within a period of four months, from the date of de-sealing of the property.



12. It is clarified that the property is being directed to be de-sealed only for the purposes of carrying out the repair work, so as to make the building habitable, in view of the categorical stand of the MCD that the property in question is dangerous.

13. The repair work shall be carried out by the petitioner under supervision of the empanelled Structural Engineer of the MCD.

14. For this purpose, the MCD shall indicate the name, phone number and other details of the Structural Engineer to learned counsel appearing for the petitioner, within a period of three working days.

15. The petitioner is directed to approach the concerned officer of the MCD and submit an undertaking before the MCD, clearly undertaking that upon de-sealing for the limited period of four months, the petitioner shall carry out the requisite repair in the property in question.

16. In the undertaking, the petitioner shall also clearly indicate that after the requisite repair work has been done, certificate from Structural Engineer shall be deposited with the concerned officer of the MCD, within 10 days after expiry of four months.

17. The petitioner shall file an undertaking with the Executive Engineer (B1), Shahdara (North) Zone, within a period of one week, from today.

18. Upon receipt of the undertaking from the petitioner, the MCD shall take requisite steps for de-sealing the property, for the purposes of repair work to be carried out by the petitioner.

19. It is directed that upon receipt of the certificate from the Structural Engineer, with respect to the property of the petitioner, the concerned officials of the MCD shall carry out requisite inspection of the property in question in order to assess as to whether the property is structurally safe.



20. In case, the MCD is of the opinion that the property is still not structurally safe, and requires further more repairs or renovation work, the same shall be intimated to the petitioner, accordingly.

21. Upon satisfaction of the MCD, with respect to the structural stability of the building in question, the building shall not be sealed any further and the possession of the property shall continue with the petitioner.

22. However, in case, the MCD is not satisfied, as regards the structural safety of the building in question, the MCD is at liberty to take action, as per law. Needless to state, any such decision by the MCD, shall be duly supported by requisite documents regarding the structural stability of the building in question.

23. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

MARCH 21, 2025

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