



\$~17

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

+ W.P.(C) 4303/2025

AAS MOHAMMED & ANR.

.....Petitioners

Through: Mr. Mujeeb Ahmed, Advocate
M: 9891310723
Email: legalcell21@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Kapil Dutta, SC for MCD
Mob: 9811135509
Email: kapilduttamcd@gmail.com
Ms. Nitika Bhutani, Adv. for R-2/GNCTD
Mob: 9953572757
Email: nitikabhutaniadv@gmail.com
Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar and Mr. Amit Kumar Rana, Advs. for R-Delhi Police
Mob: 9818030700
Email: cgsc.ripudaman@gmail.com
Mr. Tushar Sannu, SC with Ms. Aqsa for R-DWB
Mob: 9911991136
Email: adv.tusharsannu@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

03.12.2025

%

1. The present writ petition has been filed seeking directions to respondent no. 1 to take action against the illegal construction going on inside *Kalan Mosque*, which is situated within the locality of *Hazrat*



Nizamuddin, South Delhi, and to remove any encroachments therein.

2. In view of the submissions made before this Court, directions were passed by this Court by way of order dated 04th April, 2025, for carrying out a joint inspection of the property by the officials of the Archaeological Survey of India (“ASI”), Municipal Corporation of Delhi (“MCD”) and Delhi Waqf Board, in the presence of Station House Officer (“SHO”), Police Station-Hazrat Nizamuddin.

3. The order dated 04th April, 2025 in this regard, reads as under:

“xxx xxx xxx

6. Learned counsel appearing for respondent no.1-Municipal Corporation of Delhi (“MCD”) submits that the concerned officials of MCD have inspected the property today morning, i.e., 04th April, 2025. He submits that some construction is being carried out inside the mosque.

7. Learned counsel appearing for Archaeological Survey of India (“ASI”) submits that he is yet to take instructions.

8. Mr. Tushar Sannu, learned counsel appearing for the Delhi Waqf Board submits that no unauthorized construction is going on.

9. If that be the case, no further construction shall be carried out till the next date of hearing.

10. Accordingly, it is directed that status quo shall be maintained as regards any construction within the premises of the mosque.

11. The MCD and ASI are directed to carry out a joint inspection of the property on 05th April, 2025 at 11:00 AM and submit the Report before this Court, before the next date of hearing.

12. The concerned Station House Officer (“SHO”), Police Station, Hazrat Nizamuddin, shall provide police protection to the officials of the ASI and MCD at the time of joint inspection.

13. The officials of Delhi Waqf Board shall also be present at the time of the inspection.

xxx xxx xxx”

4. Pursuant to the directions of this Court, a Status Report dated 14th November, 2025, on behalf of MCD, has been placed before this Court,



which reads as under:

“xxx xxx xxx

4. That, pursuant to aforesaid directions, joint inspection of the said masjid i.e. Kalan Masjid/ Kali Masjid, Hazrat Nizamuddin, New Delhi was conducted by the concerned field staff of Building Department-I, Central Zone, MCD on 05.04.2025 at 11.00 AM along with the officials of Delhi Waqf Board and Archaeological Survey of India (ASI). During inspection, no ongoing construction activity was noticed within the subject property. However, it was observed that some repair/ renovation work has been carried in the existing structure, in recent past. During inspection, photographs of the premises were also taken. Further, a report containing all the observations made was prepared and the same was signed by all the officers/ officials of MCD, Delhi Waqf Board and ASI. Copy of the said joint inspection report along with photographs showing the present status is annexed herewith as **Annexure: A (Colly)**.

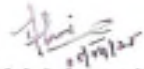
xxx xxx xxx”

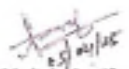
5. The Joint Inspection Report placed before this Court, reads as under:

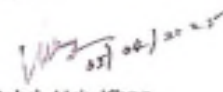
JOINT INSPECTION REPORT

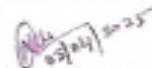
In compliance of order dated 04.04.2025 of Hon'ble High Court of Delhi passed in WP(C) No. 4303/2025 in the matter of Aas Mohd. &anrs. Vs MCD and others., a joint inspection was carried out today i.e. 05.04.2025 to place on record the inspection report of the subject property i.e. Kalan Masjid or Kali Masjid Hazrat Nizamuddin New Delhi.

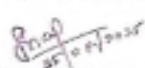
The joint inspection was carried out by officials of Building Department, MCD, Archeological Survey of India (ASI) and Delhi Wakf Board. During the inspection, it was found out that no ongoing construction was going on inside the subject property i.e. Kalan Masjid, Hazrat Nizamuddin. However, it was noticed that repair/renovation work were carried out inside the property in question in the past. Photographs taken during the joint inspection are annexed herewith.

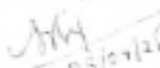

Mohd. Anwar Ali
LDC/Surveyor
Delhi Wakf Board

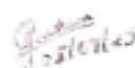

Mohd. Aarif
LDC/Surveyor
Delhi Wakf Board


Mohd. Uzir Khan
Surveyor
Delhi Wakf Board


Nadeem Hussain
ASI(CA Humayun Tomb)


Pradeep Kumar Pandey
ASA/ASI


Anil Bansal
Asstt. Engineer/MCD


Subham Gautam
Jr. Engineer/MCD



6. Thus, as per the aforesaid reports, no unauthorized construction was found in the mosque and only repair/renovation work was found being carried out. The aforesaid facts are disputed by learned counsel appearing for the petitioners.

7. However, this Court will not go into any disputed questions of facts. Once the statutory authorities have confirmed that only repair/renovation work was being carried out inside the property in question, and no unauthorized construction was being carried out, this Court would accept the Joint Inspection Report, which has been signed by the concerned officials from the ASI, Delhi Waqf Board and MCD.

8. Accordingly, no further orders are required to be passed in the present writ petition.

9. At this stage, learned counsel appearing for the petitioners submits that the mosque in question is a historical mosque. He submits that there is no management committee to look after the affairs of the mosque, and only unauthorized occupants are residing inside the said mosque.

10. Considering the submissions made before this Court, it is directed that the petitioners shall make a representation to the Chief Executive Officer (“CEO”), Delhi Waqf Board, Daryaganj, New Delhi, in this regard.

11. Let the representation be filed by the petitioners with the Delhi Waqf Board, within a period of two weeks, from today.

12. Upon the petitioners filing a representation, the Delhi Waqf Board shall duly consider the various issues raised by the petitioners in the representation.

13. Opportunity of personal hearing shall also be granted to the petitioners by the Delhi Waqf Board.



14. In this regard, notice shall be duly issued to the petitioners, on the E-mail of the counsel for the petitioners, which is reflected in today's order.
15. The Delhi Waqf Board shall further ensure that the mosque in question is maintained properly as per the norms.
16. With the aforesaid directions, the present writ petition is accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 3, 2025

ak