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

+ W.P.(C) 4607/2025 & CM APPL. 21341/2025, CM APPL. 21342/2025, CM APPL. 25232/2025, CM APPL. 25233/2025, CM APPL. 25234/2025

HARSH JAIN

.....Petitioner

Through: Mr. D.N. Chaturvedi, Mr. Deepak Somani, Ms. Chanchal Gupta, Mr. Aayushman Bhatt, Advocates (M: 8368374354)

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Mr. Vikas Chopra, SC-MCD (M:9212036118)
Mr. Gautam Narayan, Sr. Adv. with Mr. Ayush Gupta, Ms. Gunita Tandon, Mr. Tushar Nair, Advocates for Applicant (M:9818402326)
Mr. Sanjay Vashishtha, Mr. Siddhartha Goswami, Advocates for Respondent No.2/DDA (M: 8800111333)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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29.04.2025

CM APPL. 25232/2025 (Application under Order I Rule 10 read with Section 151 of CPC)

1. The present application has been filed under Order I Rule 10, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of Mohammed Munib, S/o Mohammad Hroon, resident of 3808, 4th Floor,

This is a digitally signed order.

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David Street, Pataudi House, Darya Ganj, Delhi-110002, for impleadment as a respondent, in the present petition.

2. Learned Senior Counsel for the applicant submits that the applicant has neither raised any construction, nor intends to raise any construction, without proper permission and sanctioned plan.

3. In fact, learned Senior Counsel for the applicant has drawn the attention of this Court to *Annexure R4/5* attached with the present application, to submit that the applicant, who is the owner of the property in question, has already applied for sanction of the building plan.

4. Attention of this Court has also been drawn to the photographs showing the current status of the property of the applicant, which is the subject matter of the present writ petition, to submit that only the old dilapidated structure has been demolished.

5. Considering the submissions made before this Court, the present application is allowed and the applicant is impleaded as a party, i.e., respondent no. 4, to the present petition.

6. Let amended memo of parties be filed by the petitioner within a period of one week.

7. Application is accordingly, disposed of.

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8. Learned counsel for the Municipal Corporation of Delhi (“MCD”) submits that Work Stop Notice has already been issued on 09th April, 2025.

9. He submits that no construction is being carried out in the property in question. He further submits that the MCD shall ensure that no unauthorized construction takes place in the property in future as well.

10. Learned counsel for the MCD further confirms the fact that the



applicant, who is the owner of the property in question, i.e., property bearing no. 4301 to 4303 and 4309 situated at 3, Ansari Road, Darya Ganj, New Delhi, has already applied for a sanctioned building plan. He submits that the further construction shall be allowed in the property in question, only if the said building plan is approved by the MCD.

11. Accordingly, noting the aforesaid submission made by the respective parties, it is directed that the MCD shall ensure that no unauthorized construction takes place in the property in question, except in accordance with law.

12. This Court also takes note of the submission made by learned Senior Counsel for the applicant in *CM APPL. 25232/2025*, that the construction of the petitioner's property is also, old and dilapidated.

13. Accordingly, MCD is directed to inspect the property of the petitioner to assess whether the property of the petitioner is dangerous in any manner.

14. In case the property of the petitioner can be restored without demolishing the same, the MCD shall issue directions to the petitioner to carry out the requisite repair work and strengthening work in the property of the petitioner.

15. With the aforesaid directions, the present petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

APRIL 29, 2025

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