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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10571/2022, CM APPL. 30561/2022 & CM APPL.
22411/2024
SH SAMPAT BAIDPetitioner

Through: Mr. Yadunandan Bansal

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents
Through: Ms. Nikita Bhutani, Adv. for R-3 and
4 (Through VC)
Mr. Kushagra Kumar, SPC for Delhi
Police.
Mr. Divya Prakash Pande, SC for
MCD

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
18.03.2025

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1. The present writ petition has been filed with prayer for direction to the respondents to carry out joint survey of the property in question, i.e., property no. 52/7A/3C old Ramleela Ground, Jwala Nagar, Shahdara, Delhi-110032 (New No. 544, Jwala Nagar, Delhi-110032) which is a built-up three story building, admeasuring area 145 sq. yards, and to declare the same as dangerous.
2. It is the case of the petitioner that the said building belongs to the petitioner, and has been recently encroached by respondent nos. 4 and 5.
3. By way of the present petition, the petitioner has prayed that the said



building after joint inspection, be declared as dangerous.

4. Pursuant to the orders of this Court, Status/Inspection Report has been filed on behalf of the Municipal Corporation of Delhi (“MCD”), wherein, it has been stated as follows:

IN THE HIGH COURT OF DELHI AT DELHI
W.P.C. No. 10571/2022

IN THE MATTER OF:

SH. SAMPAT BAID	PETITIONER
V/S	
MUNICIPAL CORPORATION OF DELHI & ORS.	RESPONDENTS

N.D.O.H. : 7/3/2024.

STATUS /INSPECTION REPORT

Site inspection report submitted before Hon'ble High court.

The above said property has been inspected along with field staff and found that the property No. 52/7A/3C old Ramleela Ground, Jwala Nagar, Shahdara, Delhi-110032 (New No. 544, Jwala Nagar, Delhi-110032) comprises of Ground Floor, 1st Floor, 2nd Floor. The said property is in habitable condition and no any dangerous /dilapidated portion noticed during inspection. The photographs of the property are attached herewith.

It is further mention here that in this regard an affidavit has already been filed before Hon'ble court by Sh. D.P. Ojha, Executive Engineer (M)-II/Shah.South Zone, MCD on dated 18.11.2022 with photographs.

The current status report is submitted for kind perusal before Hon'ble High Court please.


Executive Engineer (M)-I
Shahdara North Zone, MCD
Executive Engineer (M)-I
Shahdara (North) Zone
Municipal Corporation of Delhi



5. Perusal of the aforesaid report shows that it is the clear stand of the MCD, that the property in question is in a habitable condition and there is no dangerous dilapidated portion noticed in the property, during inspection.
6. The aforesaid Status/Inspection Report is disputed by learned counsel appearing for the petitioner, who submits that the property in question is in a dilapidated condition. He further submits that there is no pillar or beam in the property in question. Thus, the building in question, is in a dangerous condition, and ought to be so declared.
7. Considering the submissions made before this Court on behalf of the petitioner, it transpires that the petitioner is aggrieved by the Status/Inspection Report of the MCD with regard to the building in question not being declared as dangerous or in a dilapidated condition, by the MCD.
8. However, this Court cannot go into any disputed questions of facts, in view of the Status/Inspection Report filed on behalf of the MCD.
9. Thus, this Court grants liberty to the petitioner to take remedies, in accordance with law, to challenge the report of the MCD, since the petitioner has objections to the same.
10. Accordingly, with the aforesaid directions, the present petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

MARCH 18, 2025/kr