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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 8599/2025, CM APPL. 37079/2025 & CM APPL.
37080/2025

RAJ PAL

.....Petitioner

Through: Mr. R.P.S. Bhati and Ms. Sudesh
Kumari Jethwa, Advocates
Email:
adv.skj9310274512@gmail.com

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Mr. Gyanendra Kumar, Adv. with Mr.
Rupam Kuderia, AE, M-1, SNZ,
MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.08.2025

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1. Status Report dated 18th July, 2025, has been filed on behalf of the respondent-Municipal Corporation of Delhi ("MCD"), wherein, it has been stated as follows:

3. That the, various complaints were received in the office of EE(M)-I, Shah. North Zone from the complainant Sh. Anoop Sagar (Editor of Halla Bol Times, Local Hindi Samachar Patr) alleging therein that the property bearing no. B-4/29, Nand Nagri Delhi-93 is in dangerous condition are as follows (Copy of Complaints are annexed herewith as Annexure R-1):-

S.NO.	Diary No.	Complaint Dated
1.	951	28.05.2025





2.	1025	02.06.2025
3.	1454	01.07.2025
4.	1518	07.07.2025

4. That the, in pursuance of the above said complaints an inspection was conducted by area JE & AE on dated 03.06.2025 to assess the dangerous portions in the property in question. Further, it was found that the property consists of Ground + Three Storeys. The subject property is found to be in dangerous condition and the reason for the same is detailed as under (Photographs of the Inspection are annexed herewith as Annexure R-2):-

- (i) Building structure seems to be disoriented and out of alignment.
- (ii) Vertical gap has develop with the adjacent building of approximate 2 to 3 inches has been noticed resulting in tilting of building outwards.
- (iii) Failing of plaster at part of the building.

It is further submitted that the above mentioned shortcomings are beyond repair and needs to be demolished.

5. That the, an order u/s 348 & 349 DMC Act was issued to owners/occupiers/Sh. Raj Pal vide no. EE(M-I)/SNZ/2025/D-295 dated 17.06.2025 with the directions to demolish the subject property within 07 days from the receipt of the order (Copy of the order dated 17.06.2025 is annexed herewith as Annexure R-3).

6. That the, order dated 17.06.2025 was served to owners/occupiers/Sh. Raj Pal by the way of speed post No. ED891853365IN and the same has been received on dated 19.06.2025. Further, no reply has been received from owners/occupiers/Sh. Raj Pal within the stipulated period.

7. That the, in the absence of any reply, a vacation notice u/s 349 DMC Act was issued to owners/occupiers/Sh. Raj Pal vide no. AE(M-I)/SNZ/2025-26/D-294 dated 01.07.2025 with the directions to vacate the subject property within 03 days from the receipt of the notice. Further, notice dated 01.07.2025 was served to owners/occupiers/Sh. Raj Pal by the way of speed post No. ED891801354IN and the same has been received on dated 03.07.2025 (Copy of the vacation notice is annexed herewith as Annexure R-4). Further action will be taken accordingly.

8. That the answering respondent /MCD undertake to abide by the directions of this Hon'ble Court.

2. Perusal of the aforesaid Status Report shows that the MCD had



inspected the property in question, and, thereupon, has clearly stated that the property is in dangerous condition.

3. This Court also takes note of the letter dated 17th June, 2025, issued by the MCD, wherein, the petitioner herein has been directed to vacate the premises in question. The letter dated 17th June, 2025, issued by the respondent-MCD, reads as under:

ORDER:EE (M-I) / SN/2025-26D/295

Date: 17.06.25

To:

Owner/Occupier: Shri Raj Pal

H. No. 29, Block B-4, Nand Nagri, Delhi – 110093

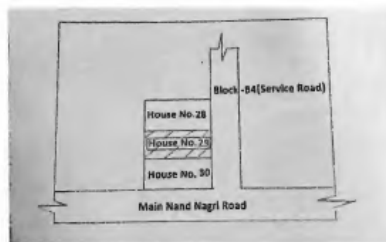
Ward No. 220

It has been brought to notice that the building at H. No. 29, Block B-4, Nand Nagri, Delhi – 110093, belonging to/occupied by Shri Raj Pal, is in a dangerous condition. This condition is dangerous to life and property and requires immediate action.

Under powers vested with the Executive Engineer (M-1), Delhi Municipal Corporation, it is ordered that due to the dangerous condition, the building must be vacated within 07 days from the date of issue of this notice.

Failure to comply will result in action under Section 348(4) of the Delhi Municipal Corporation Act, 1957, to remove the danger.

Rough Site Plan



Copies to:

1. DC/SNZ – for kind information.
2. SE-I/SNZ – for kind information.
3. Business Manager (Taharpur)/BSES – to disconnect electricity.
4. Delhi Jal Board – to disconnect water supply.
5. SHO, P.S. Nand Nagri – for police assistance.
6. For information and necessary action.
7. Assistant Engineer (Building), SNZ.
8. JEM-I/SNZ, Ward No. 220 – to pursue the matter.
9. Office copy.

TRUE TRANSLATED COPY



4. At this stage, learned counsel appearing for the petitioner submits that the Status Report filed on behalf of the MCD with regard to the building of the petitioner being dangerous, is vague. He further submits that the adjoining property, i.e., *House No. 28, Block No. B-4, Nand Nagri, Delhi-110093*, is also in a dangerous and dilapidated condition.
5. Accordingly, the MCD is directed to inspect *House No. 28, Block No. B-4, Nand Nagri, Delhi 110093*. In case, upon inspection, the said building is found to be in a dangerous condition, requisite action shall be taken by the MCD.
6. Let the needful be done within a time bound manner, preferably, within a period of two months, from today.
7. This Court shall not go into any disputed questions of facts. Once there is a categorical finding by the MCD that the property in question is in dangerous and dilapidated condition, this Court will not sit in appeal over the finding of the MCD.
8. Accordingly, the petitioner is directed to demolish the dangerous structures, as per directions of the MCD.
9. Let the needful be done by the petitioner in a time bound manner, within a period of four weeks, from today.
10. In case, the requisite action is not taken by the petitioner himself, the MCD shall take the requisite action at the earliest.
11. Noting the aforesaid, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

AUGUST 22, 2025 /KR