



2025:DHC:11312



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 10th December, 2025**

+ W.P.(C) 10378/2024, CM APPL. 42594/2024, CM APPL. 42595/2024, CM APPL. 72189/2025 & CM APPL. 72190/2025

TARUN KUMAR & ORS.

.....Petitioners

Through: Mr. Zorawar Singh, Mr. Deepak Sharma, Mr. Shubham and Mr. Sudhanshu Ghai, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Rohit Jain and Mr. Gaurav Jain, Advs. for R-4
Mr. Ashutosh Gupta, ASC with Mr. Pulkit Garg, Adv. for MCD (Through VC)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed seeking setting aside of the impugned order dated 04th July, 2024, issued by respondent no. 3, i.e., Executive Engineer-Maintenance-II, Municipal Corporation of Delhi ("MCD") for demolition of buildings/commercial shops in *Plot Nos. 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421 and 422, located at Main Ajmal Khan Road, Karol Bagh, New Delhi.*
2. When the matter was listed on 04th December, 2025, the following order came to be passed:



“1. Learned counsel for the respondent-Municipal Corporation of Delhi (“MCD”) seeks accommodation for today.

2. Learned Senior Counsel for Mercury General Corporation Private Limited draws the attention of this Court to the order dated 04th July, 2024 passed by the office of Executive Engineer-Maintenance-II, Karol Bagh Zone, wherein, it has been noted as follows:

“xxx xxx xxx

And whereas, upon carefully considering the reports placed before the undersigned and having gone through the relevant records placed in the file, it is seen that the portions owned by M/s Mercury General Corporation Pvt. Ltd. in Property bearing No.2292-2336, Khasra No.411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, Peell Building, Arya Samaj Road, Karol Bagh, New Delhi is in dangerous conditions and need immediate vacation followed by demolition so as to avoid any untoward Incident keeping in mind the various reports/submissions/orders/ available in file, submitted by M/s Mercury General Corporation Pvt. Ltd. during hearing proceedings.

xxx xxx xxx”

3. **By referring to the aforesaid order, learned Senior Counsel appearing for M/s Mercury General Corporation Private Limited submits that the order passed by the MCD pertains to only the portion of the property owned by M/s Mercury General Corporation Private Limited, i.e., respondent no. 4 herein.**

4. **He further submits that the said order has nothing to do with the property under the ownership and occupation of the petitioner herein.**

5. **Learned counsel for the petitioner submits that if that be the case, and if the MCD reiterates the aforesaid position, the petitioner would have no grievance as far as the order dated 04th July 2024, as aforesaid, is concerned.**

6. Accordingly, let counsel for the MCD confirm the fact before this Court that order dated 04th July, 2024 passed by the Executive Engineer-Maintenance-II, Karol Bagh Zone, pertains to only the portion of the property of respondent no. 4 herein, and has no bearing on the portion of the property of the petitioners.

7. Accordingly, re-notify on 10th December, 2025, in Top Ten Matters in the Advance List.”

(Emphasis Supplied)

3. Thus, as per the stand of M/s Mercury General Corporation Private



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Limited, the order dated 04th July, 2024, passed by the MCD only pertains to the portion of the property, owned by M/s Mercury General Corporation Private Limited, i.e., respondent no. 4 and does not pertain to the property of the petitioners.

4. Learned counsel appearing for the MCD, today, on instructions, confirms the fact that the demolition order dated 04th July, 2024 only pertains to the portion of the property owned by respondent no. 4, and not to the property of the petitioners.

5. Accordingly, learned counsel appearing for the petitioners submits that the petitioners are satisfied with the aforesaid statement.

6. However, learned counsel appearing for the petitioners submits that since the dangerous portion of the building under the ownership of M/s Mercury General Corporation Private Limited exists over the ground floor property owned by the petitioners thus, in case, action is taken for demolition of the said dangerous building, the petitioners have concerns that their property might also get damaged at the time of such demolition action.

7. At this stage, learned counsel appearing for the respondent no. 4 submits that though they are bound to remove the dangerous portion of the building, however, considering the location of the dangerous portion of the building above the shops of the petitioners, the requisite action for removal of the dangerous portion existing above the shops of the petitioners be undertaken by the MCD.

8. Accordingly, in view of the submissions made before this Court, it is directed that the MCD shall undertake the exercise to remove the dangerous portion of the building pertaining to M/s Mercury General Corporation Private Limited, under supervision of the Structural Engineer.



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9. Let the aforesaid exercise be undertaken by the MCD, expeditiously, preferably, within a period of eight weeks, from today.
10. The respondent no. 4, i.e., M/s Mercury General Corporation Private Limited shall duly submit an Indemnity Bond with the MCD, clearly indemnifying the MCD that in case any damage is caused to the property of the petitioners, any compensation with regard thereto, shall be paid by respondent no. 4 to the petitioners.
11. Accordingly, it is clarified that in case during the course of demolition of the dangerous portion belonging to the respondent no.4 herein, any damage is caused to the property of the petitioners, the MCD shall not be liable for any such damage. However, in case of any damage to the property of the petitioners, the respondent no. 4 shall compensate the petitioners.
12. Noting the aforesaid, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

DECEMBER 10, 2025/KR