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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11474/2024

SMT. ARCHANA KAPOOR & ANR.

.....Petitioners

Through: Ms. Shreya Bhardwaj, Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Mr. Siddhanth Nath, Standing
Counsel with Mr. Bhavishya Makhija and Mr.
Amaan Khan, Advocates for MCD.

Ms. Sahila Lamba and Ms. Urvashi Jain,
Advocates for R2 to 13.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.02.2025

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1. This writ petition is preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:

- a) *Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the Municipal Corporation of Delhi (MCD) to take immediate and decisive action under Sections 348 and 349 of the DMC Act concerning the property located at NO. J-13/14, J-Block, Beri wala Bagh, New Delhi-110064, covering an area of 275 sq. yds. The MCD has suggested that while repair may have been feasible, the condition of the building's foundation was precarious, making eventual collapse and widespread destruction a looming threat. Therefore, grant permission for the demolition of the building in the interest of public safety, to prevent any potential harm to human life or property, as per the recommendations and findings attached herein. Additionally, reconstruction of the property is deemed necessary to ensure the safety and structural integrity of future developments in the area.*
- b) *Direct the MCD to provide a detailed assessment report of the building's structural integrity, conducted by qualified structural engineers.*
- c) *Order the evacuation of the building to ensure the safety of the*



occupants and the neighboring properties.

d) Direct the MCD to facilitate the demolition of the dangerous structure and grant permission for its reconstruction.

e) Ensure that the reconstruction plan accommodates the shop owners to prevent disruption of their livelihoods.”

2. Counter affidavit is filed on behalf of Respondent No. 1/MCD wherein it is stated that the subject property is old and in dilapidated condition but there is no imminent or instant danger to the structure as per inspection carried out by concerned JE(Civil) and AE(Civil) under Sections 348 and 349 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') and therefore, no action is warranted at the end of MCD at this stage. It is further stated that by abundant caution, the owner/occupier must be directed to produce Structural Stability Certificate with respect to the subject property from an empanelled Structural Engineer of MCD.

3. Respondents No. 2 to 13 have placed on record a Structural Stability Certificate dated 30.09.2024 certifying that the building on inspection has been found to be structurally safe and sound and capable of resisting forces and movements of natural hazards. There are no major structural cracks in the building and the building is capable of being repaired. Contrary to this, a report has been filed by the Petitioners on 22.11.2024 as per which the building is unsafe and dangerous and is recommended to be demolished.

4. In light of the contrary Structural Stability Certificates and the latest report filed by the Petitioners, I am of the view that it would be appropriate if the Petitioners approach the Special Task Force constituted under the orders of the Supreme Court in ***M.C. Mehta v. Union of India and Others, (2019) 12 SCC 730*** and ***M.C. Mehta v. Union of India and Others (Sealing Issue, in Re), (2019) 12 SCC 419*** as the said body comprises of experts and



is best suited to determine issues of structural stability of the subject property.

5. As and when the Petitioners approach the STF, looking at the nature of relief sought, the STF will take up the matter as expeditiously as possible and take necessary action in accordance with law.

6. Writ petition stands disposed of.

JYOTI SINGH, J

FEBRUARY 03, 2025/jg/shivam