



\$~31

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

+ W.P.(C) 11513/2024

SYED MAJID ALI

.....Petitioner

Through: Advocate (Appearance not given)

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Ashutosh Gupta, ASC with Mr. Arman, Advocate for MCD.

Mr. Vivek Kumar Tandon, Ms. Perna Tandon and Mr. Harshit S. Gahlot, Advocates for R-2 to R-4.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

24.04.2025

1. The present writ petition has been filed for directions to the respondent no. 1 to take action towards the dilapidated property, bearing *no. 771, 1st Floor, 2nd Floor, 3rd Floor and 4th Floor, Fatak Karoli, Farash Khana, Delhi-110006.*

2. It is submitted that the petitioner is occupying the ground floor of the aforesaid property, while the property from 1st Floor to 4th Floor, is in a dilapidated condition.

3. Status Report dated 23rd September, 2024, has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), wherein, it is stated as follows:

"xxx xxx xxx"

3. It is submitted that the subject-cited property was inspected by the



officials of MCD on 20-08-2024 wherein it was found that the property bearing Shop No 765, Farash Khana on the Ground Floor, over which the property bearing No 771, Phatak Karoli, Farash Khana exists from the First to Fourth floors.

4. That it is respectfully submitted that on visual inspection of the property in question, it was found that the maintenance of the building was of very low quality. The seepage was observed on the ceiling of Shop No 765 at GF. Even at one or two points dripping of water from the ceiling was also noticed. The iron members were found rusted, the flooring was damaged at some places and in addition to that some visible cracks were also observed on the walls at GF. The plaster on the outer walls is also crumbling. The building requires urgent repair and maintenance including strengthening of the structure.

5. That it is respectfully submitted that Advisory Notice has already been issued to the owner/occupiers of Property bearing shop No 765, Farash Khana and Property No 771, Fatak Karoli, Farash khana vide letter No AE(M I)/CSPZ/2024/133 dated 19-7-2024 & AE(M I)/CSPZ/2024/134 dated 19-7-2024 respectively (copy annexed herewith as Annexure "A") vide which the directions were issued as under:

During the pre-monsoon survey of dangerous buildings conducted by the field staff of M-IDivision, City SP Zone., Municipal Corporation of Delhi in the Ward No, 79 (Ballimaran) it was noticed that some portion of the property in question seems to be in a deteriorated/dilapidated condition and requires immediate action including strengthening work in order to avoid any mishap.

You are hereby directed to take immediate corrective measures with respect to the strengthening of the building as per the provisions of Unified Building Bye Laws for Delhi 2016 Clause 2.0.1 (d) under the supervision of a qualified Structural Engineer. It is further directed to obtain and submit a structural stability/safety certificate, from a professionally qualified structural engineer duly empanelled from MCD, in the Office of the Executive Engineer (M-I City S.P Zone, Nigam Bhawan, Kashmeri Gate, Delhi-110002 after strengthening of the existing building as per the provisions of Unified Building Bye Laws for Delhi 2016 Clause 2.0.1 (d).

This May be treated as Most Urgent and it may also be noted that MCD shall not be responsible for any loss, whatsoever, to the passerby/inhabitants /occupier of the property in question due to laxity on your part. You will be held solely responsible for the same.

6. That it is respectfully submitted that there is a space between the subject property and the adjoining building. But it is pertinent to mention here that the occupants of property no 771, Ff to Fourth Floor, Fatak



Karoli, Farash Khana, Delhi are not only disposing of their sewage but also dumping their household waste in this open space. Thus, it is causing both unsanitary conditions and also resulting in a breeding place for diseases. It is further submitted that this wastewater is also penetrating through the foundation and might be causing damage to the same. It is also submitted that Challans for insanitation were also issued to the owners/occupants of property no 771, FF to Fourth Floor, Fatak Karoli, Farash Khana, Delhi are annexed herewith as Annexure "B".

7. That it is respectfully submitted that the defects/observations mentioned above seem to be due to deliberately ignoring the necessary repair and maintenance and adopting unhygienic practices such as disposing of the sewage and garbage in the open not only endangering the life of residents but also the passersby.

8. That it is respectfully submitted that at present, there seems to be no imminent danger to the structure but if the necessary repair, maintenance and strengthening work are further ignored & unhygienic practices continue, it may result in untoward incidents.

xxx xxx xxx”

4. In the aforesaid Status Report, the MCD has clearly stated that the maintenance of the building was of very low quality, and visible cracks were also observed on the walls.
5. Accordingly, considering the Status Report filed by the MCD, it is directed that the respondent nos. 2 to 6, shall carry out necessary repairs, maintenance and strengthening work, in their respective portion of the property. Let the needful be done by the respondent nos. 2 to 6, within a period of two months, from today.
6. The MCD shall regularly supervise and inspect the strengthening and maintenance work being carried out by the respondent nos. 2 to 6, and file a Report, with regard thereto.
7. List on 4th August, 2025, before the Registrar, for compliance of the present order, by the respondents. The Registrar shall satisfy himself as regards the repair, strengthening, maintenance work carried out by the respondents, on the basis of the affidavits filed before this Court, as affirmed



by the MCD.

8. Accordingly, with the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

APRIL 24, 2025

rk