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

+ W.P.(C) 12724/2025 & CM APPL. 51977/2025

GULZAR ALI

.....Petitioner

Through: Mr. G.M. Farooqui, Adv.  
Mob: 9811144886

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Ms. Vidhi Jain, Adv. for R-1 and  
2/MCD  
Mob: 9654454567  
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Mr. Sanjeev Sabharwal, SPC for UOI  
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**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

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**22.08.2025**

1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2, to seal and demolish property bearing no. 2501, ground floor to top floor and property no. 2507, ground floor to top floor, both situated in *Kucha Baqaullah Khan, Tiraha Behram Khan, Daryaganj, New Delhi-110002*.
2. Learned counsel appearing for the petitioner submits that both the properties have been constructed illegally and unlawfully. The said properties are in dilapidated condition and therefore, dangerous to the lives



of the petitioner and his family members.

3. *Per contra*, learned counsel appearing for the respondent nos. 1 and 2-MCD, has drawn the attention of this Court to the order dated 08<sup>th</sup> October, 2024, annexed as *Annexure-P7* to the present writ petition, to submit that the petitioner had earlier also filed a writ petition being *W.P.(C) 14203/2024*, titled as “*Gulzar Ali Versus Municipal Corporation of Delhi and Ors.*”

4. The said writ petition was disposed of, since the Municipal Corporation of Delhi (“MCD”) stated that they inspected the property and it was found that the property was old and occupied, with no on-going construction.

5. Subsequently, the petitioner herein filed a contempt petition being *CONT. CAS(C) 446/2025*, which was again disposed of *vide* order dated 15<sup>th</sup> April, 2025, noting that the property was old and occupied, and that the cracks which were there in the property would not lead to imminent danger to the structure of the property.

6. Having heard learned counsels for the parties, this Court notes the order dated 08<sup>th</sup> October, 2024, passed in the first writ petition filed by the petitioner herein, i.e. *W.P.(C) 14203/2025*, wherein, it was noted as follows:

**“1. The petitioner has filed this petition under Article 226 of the Constitution with a prayer that a portion of 2501, GF-Third Floor, Kucha Baqaulla Khan, Tiraha Beram Khan, Darya Ganj New Delhi-II 0002 and 2507, Kucha Baqaulla Khan, Tiraha Beram Khan, Darya Ganj, New Delhi-110002, be sealed and subsequently demolished as the constructions are illegal and unauthorised.**

2. The petitioner claims to be resident at 2500, 2501, Kuch Baqaulla Khan, Tiraha Beram Khan, Darya Ganj, New Delhi-110002, which is on the ground floor of the same property. It is the petitioner's contention that respondent Nos. 5 to 11 have constructed in the upper floors in a manner that imperils the structural safety of the building and the integrity of the petitioner's property.



3. Mr. Abhinav Sharma, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, states that the property has been inspected and no ongoing construction has been found. The construction appears to be old and occupied. However, some cracks have been noticed in the structure, for which the MCD will inspect the property and take such action as available to it in law expeditiously, and in any event within eight weeks from today.

4. Mr. Hemant Choudhary, learned counsel for the petitioner, accepts that there is no ongoing construction in the property, and states that his grievance arises out of the structural weakness in the building, to which Mr. Sharma has also referred.

5. As the grievance articulated by Mr. Choudhary is being addressed by MCD, Mr. Choudhary seeks no further directions in this writ petition.

6. The writ petition is therefore disposed of.

7. It is made clear that these submissions have been recorded without prejudice to the rights and remedies of respondent Nos. 5 to 11 or any other occupiers/owners of the subject properties. MCD is directed to act strictly in accordance with law, after compliance of all statutory formalities.”

(Emphasis Supplied)

7. Subsequently, upon the contempt proceedings being initiated by the petitioner, order dated 15<sup>th</sup> April, 2025 was passed in CONT. CAS(C) 446/2025, titled as “Gulzar Ali Versus Ashwani Kumar and Anr.”, which is reproduced as under:

“1. The status report has been handed over by the counsel for the MCD.

2. The same may be placed on record.

3. As per the status report, the partial demolition was carried out in the front portion of the property bearing No.2501, Kucha Baqualla Khan.

4. Further, it is stated that an inspection was carried out in respect of property bearing No.2501 (GF-3rd Floor) and No.2507, Kucha Baqualla Khan, Tiraha Beram Khan, Darya Ganj, New Delhi-110002, on 09th April 2025.

5. During the inspection, it was found that both properties were old and occupied, and by visual inspection, some cracks did appear in



**the plaster of the property but were not found to be prominent, or that would lead to imminent danger to the structure of the property.**

6. Counsel for the petitioner, however, states that he has further grievances in respect of the action taken by the MCD.

7. In the opinion of this Court the respondent has given the status report in compliance of the orders of this Court, however petitioner is at liberty to approach the Writ Court with respect to its grievance inter alia regarding demolition.

8. The contempt petition is disposed with the aforesaid liberty granted to the petitioner.

9. Order be uploaded on the website of this Court.”

*(Emphasis Supplied)*

8. Perusal of the aforesaid orders clearly shows that it is the categorical stand of the MCD that the aforesaid properties are old and occupied and no on-going fresh construction was found in the property. Further, though some cracks were noticed in the structure, upon inspection, the MCD clearly stated that the said cracks were not found to be prominent and were only in the plaster of the property. Thus, it has been clearly stated on behalf of the MCD as recorded in the aforesaid order dated 15<sup>th</sup> April, 2025 that the cracks in the properties in question would not lead to any imminent danger to the structure of the property.

9. Noting the aforesaid, no further directions are required to be passed in the present petition.

10. Accordingly, the present writ petition, along with the pending application is disposed of.

**MINI PUSHKARNA, J**

**AUGUST 22, 2025/SK**