



2025:DHC:9306



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 17th October, 2025**

+ W.P.(C) 16089/2025, CM APPL. 65927/2025 & CM APPL. 65928/2025

MOHAMMAD TASLEEM

.....Petitioner

Through: Ms. Zubeda Begum, Mr. Ayush
Gandhi and Ms. Hardeep Kaur, Adv.
Mob: 9868119078
Email: zubedabegumadv@gmail.com

versus

INDIAN INSTITUTE OF TECHNOLOGY & ORS.Respondents

Through: Mr. Bharat Malhotra, Adv. for R-
2/MCD
Mob: 8447151507
Email: bharatmal2@gmail.com

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARN, J. (ORAL):**

1. The present writ petition has been filed challenging the Report dated 10th June, 2025, filed by the respondent no. 1, i.e., Indian Institute of Technology ("IIT") Delhi, in the case titled as "*Asjad Versus Municipal Corporation of Delhi & Ors.*", in *Civil Suit* bearing *CSDJ No. 1199/2024*, pending in the Court of learned District Judge-01 (Central), Tis Hazari Courts, Delhi.
2. Learned counsel appearing for the petitioner submits that the petitioner is not a party in the said proceedings, which are pending at the behest of some other tenant. She submits that IIT Delhi has admitted that at

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the time of giving the impugned Report with regard to the structure in question being in a dangerous condition, no physical inspection was carried out of the portion which is occupied by the petitioner herein.

3. She, thus, submits that the valuable rights of the petitioner are being affected. She submits that inspection ought to have been carried out in the presence of the petitioner, as the building occupied by the petitioner is in a reparable condition.

4. Responding to the present writ petition, learned counsel appearing for the respondent no. 2, i.e., Municipal Corporation of Delhi (“MCD”), has handed over copy of the orders passed in an appeal pending before the District Judge, being *MCA DJ No. 51/2025*, titled as “*Md. Tasleem Versus MCD & Ors.*”, to submit that the petitioner herein has already filed an appeal before a District Judge, against the order by which the application of the petitioner herein, under Order XXXIX, Rules 1 and 2 of the Code of Civil Procedure, 1908 (“CPC”), filed in the aforesaid suit has been dismissed. He further submits that the petitioner herein has already filed objections to the IIT Report in the said appeal.

5. At this stage, learned counsel appearing for the petitioner submits that the petitioner may be allowed to raise all objections before the District Judge, including, the plea with regard to fresh inspection of the property in question in the presence of the petitioner.

6. Having heard learned counsels for the parties, since the petitioner herein has already filed an appeal, which is pending before the learned District Judge-12 (Central), Tis Hazari Courts, Delhi and objections with regard to the IIT Report have also been filed in the said appeal, the petitioner is granted liberty to raise all objections with regard thereto, before the



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District Judge, where the appeal of the petitioner is pending.

7. This Court also takes note of the submission made by learned counsel appearing for the petitioner that the petitioner is in possession of the latest photographs and documents, which may also be allowed to be filed before the learned District Judge.

8. Liberty is so granted.

9. Needless to state, this Court has not expressed any opinion on the merits of the case, which shall be considered in the appropriate pending proceedings.

10. Rights and contentions of both the parties are left open.

11. Noting the aforesaid, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 17, 2025/SK

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