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

+ W.P.(C) 9779/2018 & CM APPL. 38104/2018

DDA FLATS SARAI KHALIL RESIDENTS WELFARE
ASSOCIATION (REGD.) THROUGH ITS PRESIDENT ASRAR
AHMADPetitioner

Through: Ms. Savita Rustogi and Mr. Ashu
Tewathia, Advs.

versus

NORTH DELHI MUNICIPAL CORPORATION AND
ORS.Respondents

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

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
17.09.2025

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1. The present writ petition has been filed seeking directions to the respondents to stop the violation of the Delhi Municipal Corporation Act, 1957 ("DMC Act") and the Master Plan of Delhi 2021, in the area of *Sarai Khalil, Sadar Bazar, Delhi*, by taking action against the flats where misuser is being carried out.
2. Learned counsel appearing for the petitioner submits that the flats as mentioned in the petition in *Annexures P-3, P-4 and P-5*, are being misused for commercial purposes.
3. This Court notes the Status Report dated 12th May, 2023, filed on behalf of the Municipal Corporation of Delhi ("MCD"), wherein, it is stated as follows:



“xxx xxx xxx

3. That it is respectfully submitted that various inspection were carried out by the field officials to verify the misuser of DDA flats, Sarai Khalil, Quresh Nagar, Delhi. During these inspections, most of the properties were found locked and therefore representative of petitioner association were contacted and matter was discussed with them. It is submitted that the representatives of the

petitioner association informed that there are about 09 properties which are being misused. The details of such properties were obtained from the representatives and in order to verify the status of misuser, a joint inspection comprising of JE(B) and Licensing Inspector of the area was planned for 08.05.2023 at 11:00 A.M. A letter dated 01.05.2023 was issued in this regard and copy of the same was also addressed to the owner/occupiers of these 09 flats with the request to be present at the site at the time of inspection. A copy of said letter dated 01.05.2023 was pasted on the all these 09 flats. A copy of said letter dated 01.05.2023 is annexed herewith as **Annexure-A**.

4. That it is respectfully submitted that the aforesaid scheduled joint inspection was carried on 08.05.2023 by the JE(B) & License Inspector in the presence of representatives of petitioner association. During the inspection, the representatives of petitioner association extended the scope of their allegations of misuse against 16 flats. The details of such flats & inspection thereof is as under:-

S.No.	Flat No. where misuser was reported.	Report of inspecting officials.
1.	LIG-52	Misuse was noticed and action is being contemplated in accordance with law.
2.	Janta-54	No misuser was noticed.
3.	Janta-56	No misuser was noticed.
4.	LIG-13	Property was found locked.
5.	B-2/2	Property was found locked.
6.	D-3/3	Property was found locked.
7.	D-3/4	No misuser was noticed.
8.	D-2/2	No misuser was noticed.
9.	D-8/1	Property was found locked.
10.	D-5/1	No misuser was noticed.
11.	B-6/1	Property was found locked.
12.	B-6/2	Property was found locked.
13.	LIG-49	Property was found locked.

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14.	LIG-50	Property was found locked.
15.	D-5/3	Property was found locked.
16.	D-5/4	Property was found locked.

5. That it is respectfully submitted that photographs showing current status of all 16 flats are annexed herewith as **Annexure-B(Colly)**.
6. That it is submitted that action against the misuser in the flat no. LIG-52 has been initiated and will be put to its logical end in due course of time in accordance with law. It is pertinent to mention here that during inspection it was noticed that most of the flats are either vacant or locked or residentially occupied. Needless to state that the answering respondent will continue to carry out future inspection in the area and take action in accordance with law upon noticing any misuse.

4. Learned counsel appearing for the respondent-MCD has handed over a copy of another additional Status Report dated 16th March, 2024, which is taken on record. The said additional Status Report reads as under:

“xxx xxx xxx



xxx xxx xxx”

5. This Court takes note of the submission of learned counsel appearing for the MCD that the MCD is taking regular action to ensure that there is no



misuse in the respective flats in question.

6. Accordingly, the MCD is directed to ensure that the flats in question, which are the subject matter of the present writ petition, are not misused in any manner for any commercial purposes.

7. The MCD shall ensure that the flats in question are used only for residential purposes, and any use of the flats in question, are in terms of the Master Plan of Delhi, 2021.

8. The MCD is held bound to take appropriate action.

9. In case, the petitioner is aggrieved by any non-action on the part of the MCD, the petitioner is at liberty to seek remedies, in accordance with law.

10. With the aforesaid directions, the present writ petition, along with the pending application, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 17, 2025/KR