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

+ W.P.(C) 4545/2026 with CM APPL. 22171/2026, CM APPL. 22172/2026 and CM APPL. 26548/2026

MOHD. TASLEEM

.....Petitioner

Through: Ms. Sana Ansari, Mr. Ayush Gandhi
& Mr. I. Ahmed, Advocates with
petitioner in-person.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. M.S. Oberoi, Standing Counsel
for R-1.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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22.04.2026

CM APPL. 22172/2026 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4545/2026

2. The present writ petition has been filed seeking the following reliefs:-

- (a) issue an appropriate writ, order or direction directing that in the event of demolition of the subject property; possession of the portion under occupation of the Petitioner be restored to him forthwith, thereby maintaining status quo ante; as each tenanted portion has an undivided interest in land beneath.



- (b) issue a writ directing Respondent No. 1/MCD to ensure re-entry, restoration and rehabilitation rights of the Petitioner after demolition / reconstruction in accordance with law;
- (c) restrain the Respondents from using demolition proceedings as a substitute for eviction proceedings and from permanently dispossessing Petitioner under the guise thereof;

3. Respondent no. 2 had earlier filed a writ petition being W.P. (C) 2313/2026, which was disposed of by this Court *vide* order dated 18th February, 2026, which held as under:

5. Having heard the counsel for the parties, in my view, the petitioner does not have any *locus* to maintain the writ petition. The order was passed in a suit involving the respondent no.2 and MCD and in terms of the order dated 16th July, 2025, a direction was issued to MCD. It is not for the petitioner to enforce a direction issued to the respondent no.1/MCD in a civil suit. It appears that the present petition has been filed only to get the property vacated.

4. The petitioner herein had filed a civil suit being CS SCJ 2278/24, wherein the application seeking interim injunction was dismissed by the Civil Judge on 5th August, 2025.

5. Thereafter, the petitioner filed an appeal which was dismissed by the Appellate Court *vide* order dated 10th March, 2026, taking note of the report of the IIT Engineer stating that the second floor of the property bearing no.1088, Gali Neem Wali, Mohalla Kishan Ganj, Azad Market, Delhi-110006 ('subject property') is structurally weak. While dismissing the appeal, the Appellate Court observed that it had not expressed any opinion



with respect to the rights of the petitioner and respondent no. 2 *qua* the subject property.

6. After passing the said order, notice dated 19th March, 2026 under Section 348 of the Delhi Municipal Corporation ('DMC') Act, 1957 was issued by the MCD, stating that the property is in a dangerous condition and hence, the petitioner was called upon to vacate the said property.

7. Pursuant to the aforesaid notice, MCD had demolished the subject property on 8th April, 2026.

8. Ms. Zubeda Begum, counsel appearing on behalf of the petitioner, does not question the demolition action taken by MCD in the present writ petition. However, she expresses that the concern of the petitioner is that the demolition action carried out by MCD should not decimate the rights of the petitioner in the subject property.

9. I have heard the counsel and I am in agreement with the aforesaid submission.

10. Even the Appellate Court, while dismissing the appeal filed by the petitioner, stated that this would be without prejudice to the rights and contentions of the petitioner and respondent no.2 in the subject property.

11. Accordingly, the present petition is disposed of while reiterating that the demolition action carried out by MCD would not cause prejudice to the rights and contentions of the parties with regard to the rights, title and interest in the subject property.

12. Pending applications stand disposed of

AMIT BANSAL, J

APRIL 22, 2026

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