

18-07-2025

Present : Sh. S. S. Nizami, Advocate for plaintiff.

None for defendant nos.2 to 6 and proposed defendant namely Ms. Shaila Qureshi, despite call.

Sh. Madan Sagar, Advocate for defendant no.7/MCD.

Sh. Sanjeev Singh, Executive Engineer (Building) alongwith Sh. Deepak Gulati, Astd. Engineer (Building), City-SP Zone, MCD are also present.

Heard. File perused.

Status report in respect of suit property filed on behalf of MCD.

Be awaited for appearance of defendant nos. 2 to 6 and said proposed defendant.

(VIDYA PRAKASH)

District Judge (Commercial Court)-01

Central District/THC/Delhi

2nd call / 1:20 p.m.

Present : Plaintiff in person.

Sh. M. Mohtram, Advocate for defendant nos.2 to 6 and also for proposed defendant namely Ms. Shaila Qureshi.

Sh. Madan Sagar, Advocate for defendant no.7/MCD.

Sh. Sanjeev Singh, Executive Engineer (Building) alongwith Sh. Deepak Gulati, Astd. Engineer (Building), City-SP Zone, MCD are also present.

Heard. File perused.

It is informed to the Court that no meeting could take place between the parties on 12-7-2025 at 2:00 p.m., as was agreed on the last date of 08-07-2025, due to illness of defendants and their counsel.

In the Status Report filed by MCD/ defendant no.7, it is mentioned that vacation notice dated 16-7-2025 in terms of S. 349 of DMC Act was issued to owners/ occupiers directing them to vacate the premises within 24 hours, so that demolition action may be carried out in accordance with law. Simultaneously, Lock Breaking Notice dated 16-07-2025 in terms of S. 435 of DMC Act was issued to SHO, PS Sadar Bazar, with direction to owner/builder/ occupier that no lock/ barrier may be put on the premises to avoid demolition action. It is further mentioned in the report that MCD carried out partial demolition action on 17-07-2025, whereby, it demolished roof slab of ground floor and first floor (partly) and bathroom at 2nd floor. Further, ground floor and first floor have been sealed.

On pointed query of the Court, concerned EE (Building) has informed that whereas demolition order in respect of suit property was passed on 17-12-2024, sealing order has been passed only on 17-07-2025. Let the copies thereof be placed on record.

It has been informed to the Court that partial demolish action was previously carried out in the suit property by officials of Building Department of MCD in the month of February, 2025 and thereafter, further partial demolition has been

carried out only on 17-07-2025 *i.e.* after a considerable gap of 5 months or so.

On being asked about the reasons for such considerable delay in carrying out the demolition action, concerned EE (Building) and concerned AE(Building), who are present in the Court, have submitted that complete demolition action qua suit property could not be carried out as there were several demolition actions in respect of various properties in the said locality, were planned and due to prior official commitments, no further demolition action qua suit property could be carried out since thereafter till 17-07-2025.

The aforesaid submissions made by the aforesaid officers of the building department of City SP Zone, MCD are nothing but lame excuse in order to justify the inaction and dereliction of duties on their part, inasmuch as the concerned officials of building department of MCD are duty bound to carry out demolition of unauthorized construction in pursuant to demolition order already passed in terms of S.343 of DMC Act in a time bound manner as per Building Bye-laws, and they cannot be allowed to shirk from their responsibility on such flimsy grounds, as are being submitted before this Court.

Be that as it may, keeping in view the aforesaid submissions made by the aforesaid two officers of Building Department of City SP Zone, MCD, it would be apposite to call for the report from worthy Commissioner of MCD on the following points :-

1. The details of the properties qua which demolition actions were planned in the locality

of Ahata Kidara, Pahari Dhiraj, Sadar Bazar, Delhi-110006 on the particular date on which partial demolition qua suit property no. 4754, Ahata Kidara, Pahari Dhiraj, Sadar Bazar, Delhi-110006 was purportedly carried out by the officers of Building Department of MCD;

2. The details of the properties qua which demolition actions were carried out by officers of MCD from the month of February, 2025 till 17-7-2025;
3. The reasons due to which no further demolition action qua suit property could be taken from February, 2025 onwards till 16-07-2025. For this purpose, an inquiry into the matter be also got conducted;
4. To fix accountability of the erring officer(s) on the basis of such inquiry as may be got conducted, in the light of violation of relevant Building Bye-laws in failure to carry out such demolition action in time bound manner, besides other aspects including but not limited to the fact that partial demolition actions are shown to have been taken and complete demolition action has still not been taken place; and
5. To file Action Taken Report (ATR) qua those erring officer(s) before this Court by next date of hearing.

Let copy of this order be sent to worth Commissioner of MCD for his kind indulgence/ information and for necessary compliance.

At this stage, it is jointly submitted on behalf of both the sides *i.e.* the plaintiff and the defendant nos. 1 to 6 and also proposed defendant namely Ms. Shaila Qureshi, that there is likelihood of settlement between the parties and hence, it is requested that the matter may be referred to Delhi Mediation Centre, THC, Delhi for exploring possibility of settlement.

In view thereof, matter is referred to said Delhi Mediation Centre under ***“Mediation- ‘For the Nation’ Campaign”*** for 22-07-2025 at 2:30 p.m. and accordingly, both parties are directed to appear before the said Delhi Mediation Centre on the aforesaid date and time.

In view of above, put up on 04-08-2025 for compliance, settlement, if any, or in alternative for passing appropriate directions.

The date is given as per mutual consent of both the sides.

(VIDYA PRAKASH)
District Judge (Commercial Court)-01
Central District/THC/Delhi
18-07-2025_(r)