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

+ W.P.(C) 18901/2025, CM APPL. 78690/2025 & CM APPL. 78691/2025

MOHD IQBAL & ORS.

.....Petitioners

Through: Mr. Vinod Kumar Mantoo, Mr. Hem Kumar, Ms. Niharika Mantoo, Advocates (M:98685785717)

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Shilpa Dewan, ASC-MCD (M:9971192772)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
12.12.2025

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CM APPL. 78691/2025 (For Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application is accordingly, disposed of.

W.P.(C) 18901/2025, CM APPL. 78690/2025

3. By way of the present writ petition, petitioners are aggrieved by the judgment dated 15th November, 2025, passed by the Principal District & Sessions Judge, Central District, Tis Hazari Courts, Delhi in *Municipal Corporation of Delhi ("MCD") Appeal No. 12/2025* and the order dated 03rd June, 2025 passed by the Appellate Tribunal MCD ("ATMCD"), in Appeal No. 195/2025, whereby, the petitioners' challenge to the demolition order



dated 10th March, 2025, was dismissed.

4. Learned counsel for the petitioners submits that the petitioners purchased the property in question, i.e., *Property No. 810, Ward No. XI, Gali Ahmed Shah, Haveli Azam Khan, Chitli Qabar, Darya Ganj, Delhi-110006*, via the registered sale deed dated 27th April, 2023. The structure was over seven decades old, requiring urgent repairs.

5. Thus, the petitioners, after purchasing the subject property, submitted a written application dated 25th October, 2023 the respondent-MCD seeking inspection, safety assessment and permission to carry out essential repairs/retrofitting.

6. Learned counsel for the petitioners submits that the respondent-MCD, however, issued notices dated 16th February, 2024, declaring the building unsafe and asking occupants to vacate and undertake repairs.

7. Subsequently, some of the occupants of the property filed *Civil Suit No. 406/2024*, which ended up in a compromise order dated 05th August, 2024. Pursuant to the said compromise, and strictly following the MCD's directions, only the dangerous/damaged portions were demolished, and restorative reconstruction/retrofitting, was undertaken by the petitioners in compliance with Clause 2.1(d) of the Unified Building Bye Laws 2016 ("UBBL"), which specifically permits reconstruction of damaged portions without the need of a fresh Sanction Building Plan.

8. Thus, it is submitted that the demolition order dated 10th March, 2025, issued by the MCD wrongly treated the petitioners' repairs/retrofitting as an unauthorised reconstruction.

9. Learned counsel for the petitioners submits that the ATMCD dismissed the challenge without appreciating the distinction between



reconstruction of 'damaged portions' permitted under law and fresh construction requiring Sanction Plans.

10. It is submitted that the ATMCD did not even consider or summon the records from the Maintenance Department of the MCD in respect of the subject issue, which was necessary for proper determination of the real issues.

11. It is further submitted that the Principal District & Sessions Judge also committed grave error in mechanically affirming the order passed by the ATMCD, by wrongly concluding that the petitioners had admitted the 'entire reconstruction' ignoring the fact that the petitioners' replies clearly stated that only the dangerous portions were restored for structural stability, as mandated by respondent-MCD itself.

12. Issue notice. Notice is accepted by learned counsel appearing for the respondent-MCD.

13. Learned counsel for the respondent-MCD draws the attention of this Court to the letter dated 25th October, 2023 written by the petitioners, which is reproduced as under:

To
Date: 30/10/23
EE (In-charge)
M-11
The Executive Engineer (Bldg.)
Municipal Corporation of Delhi
City/SP Zone, Near Delite Cinema,
Delhi-110006.

RECEIVED
From: [Signature]
Date: 30/10/23
EE (In-charge)

**SUB: INTIMATION REGARDING DANGEROUS CONDITION OF
PROPERTY NO. 810 SITUATED AT WARD NO.11, GALI AHMED
SHAH, CHITLI QUBAR, DELHI-110006.**

Sir,



The aforesaid property consists of Ground, First, Second and Third Floors. The construction of the building is very old building as it was constructed approximately in 1944-45, 1960-62 and major cracks have appeared in the walls and ceilings, the joinery has left its original grip. The structure of the property is in very damaged, dilapidated and dangerous condition beyond repairs and it may fall at any moment and endanger the lives of inhabitants as well as neighbours etc. Photographs of the existing structure of the building and inspection report regarding condition of the property are annexed herewith for your kind perusal.

You are therefore, requested to kindly inspect the spot and declare the aforesaid building as dangerous and to demolish its dangerous structure so as to avoid any mishappening and loss of lives as well.

Thanking you,

Applicant

Delhi
Dated:

Mohd. Iqbal & Ors.
810, Ward No.11, Gali Ahmed Shah,
Chilli Qubar, Delhi-110008

Encl: As above.

14. By referring to the aforesaid letter, learned counsel for the respondent-MCD submits that it was the submission of the petitioners themselves that the property is in damaged, dilapidated and dangerous condition beyond repair. She, thus, submits that there was no prayer by the petitioners for restoration of the damaged portions.

15. In response, learned counsel for the petitioners draws the attention of



this Court to the letter dated 16th February, 2024, received from the Executive Engineer, M-II, City SP Zone, MCD, wherein, vacation notice was given by the MCD, to either demolish the building or to get it repaired. He, thus, submits that the repair work was done by the petitioners pursuant to the aforesaid direction of the MCD *vide* letter dated 16th February, 2024.

16. The matter requires consideration.

17. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

18. Considering the submissions made before this Court, the MCD is restrained from taking any coercive action against the property of the petitioners, till the next date of hearing.

19. Re-notify on 23rd April, 2026.

MINI PUSHKARNA, J

DECEMBER 12, 2025/au