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

CNR No. DLHC010440342026

+ **W.P.(C) 13564/2026, CM APPL. 63335/2026 & CM APPL. 63336/2026**

SENIOR CITIZEN KUNDAN LAL AND ANRPetitioners

Through: Dr. Gaurav Manuja, Advocate.

versus

MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Tushar Sannu and Mr. Devvrat Tiwari, Advocate with Mr. Manoj Kumar, AE, MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% 16.09.2026

1. The present writ petition has been filed seeking quashing of the order dated 10th September, 2026 passed by the MCD under Section 348 of the Delhi Municipal Corporation Act, 1957 ('DMC Act'), stating that the property bearing no. 76, *Satya Niketan, New Delhi* ('subject property') is in a dangerous condition. The petitioners also seek quashing of vacation notice dated 10th September, 2026, calling upon the petitioners to vacate the subject property.

2. Counsel for the petitioners submits that the subject property is not in a dangerous condition and the aforesaid orders have been passed mechanically without conducting any physical or structural inspection of the subject



property. He further submits that on basis of the said orders, the respondent/MCD is proceeding to demolish the subject property .

3. Issue notice.

4. Notice is accepted by Mr. Tushar Sannu, counsel appearing on behalf of respondent/MCD.

5. Mr. Sannu submits that part of the subject property is being used for running a PG accommodation.

6. A reference may be made to Section 348 of the DMC Act, which is set out below:

“348. Removal of dangerous buildings.—

*(1) If it appears to the Commissioner at any time that any **building is in a ruinous condition, or likely to fall, or in any way dangerous to any person** occupying, resorting to or passing by such building or any other building or place in the neighbourhood of such building, **the Commissioner may, by order in writing, require the owner or occupier of such building to demolish, secure or repair such building or do one or more of such things** within such period as may be specified in the order, so as to prevent all cause of danger therefrom.*

(2)...

*(3) If it appears to the Commissioner that danger from a building which is in a ruinous condition or likely to fall is imminent, he may, **before making the order aforesaid, fence off, demolish, secure or repair the said building or take such steps as may be necessary to prevent the danger.***

(4)...

(5)..."

[Emphasis Supplied]

7. Section 348 empowers the Commissioner, where it appears to him that a building is in a ruinous condition, likely to fall, or otherwise dangerous, to require the owner or occupier, by a written order, to demolish, secure or repair the building, or undertake one or more such measures, so as



to prevent the danger.

8. A Division Bench of this Court in ***Municipal Corporation of Delhi v. Hukam Chand Jain***¹ has held that the competent authority must properly apply its mind to relevant material and also consider alternatives available under Section 348 of the DMC Act, namely demolition, securing or repair. Demolition cannot be ordered mechanically without considering whether the danger can be adequately addressed through other measures.

9. In ***MCD v. Daulat Ram***², it was held that the expression “if it appears to the Commissioner” occurring in Section 348 of the DMC Act necessarily contemplates formation of an opinion by the Commissioner on the basis of circumstances, grounds or material actually existing and the existence of such material is amenable to judicial scrutiny. At the same time, the Court does not sit in appeal over the sufficiency of such material once it is shown to exist. It was also observed that the discretion under this provision is to decide whether any building is in a ruinous condition and such question should be of public interest and not a matter only of the private interest of the building’s owner or its tenant.

10. ***Daulat Ram*** (supra) has been discussed by the Division Bench of this Court in ***Man Mohan Singh Attri v. Union of India***³, wherein it was held that, during judicial scrutiny, it has to be seen whether the competent authority has relied upon relevant material to exercise discretion under Section 348 of the DMC Act or not.

11. In light of the aforesaid decisions, a direction is issued to MCD to

¹ 1969 SCC OnLine Del 15.

² 1971 SCC OnLine Del 130.

³ 2025 SCC OnLine Del 6035.



carry out proper inspection of the subject property and to determine if the property is in a dangerous condition or not. The inspection will also consider whether the subject property can be repaired so as to make it safe.

12. Based on the inspection, let a status report be produced before this Court on or before the next date of hearing.

13. List on 25th September, 2026 in '*Supplementary List*'.

14. Counsel for the petitioners assures the Court that no PG accommodation shall be run in the subject property and the building shall not be used for commercial activities till the next date of hearing.

15. Subject to the above, no coercive action shall be taken against the subject property till the next date of hearing.

16. It is made clear that this order has been passed on the basis of the submission of the counsel for petitioners that the property is not in a dangerous condition and is safe for habitation. Hence, the petitioners alone shall bear the responsibility of any untoward occurrence in the subject property.

AMIT BANSAL, J

SEPTEMBER 16, 2026

Vivek/-