IN THE COURT OF SH. PITAMBER DUTT :
ADDL. DISTRICT & SESSIONS JUDGE-CUM-PRESIDING OFFICER,
APPELLATE TRIBUNAL, M.C.D., DELHI.

APPEAL NO. 392/ATMCD/2023

1. **Sri Kalgidhar Singh Sabha Gurudwara (Regd.)**
   Ashok Vihar, Phase – 3,
   Kaka Ji Lane, Shakti Nagar Extension,
   Delhi – 110052.
   Through its Secretary,
   Sh. Hari Singh

2. **Sh. Ratinder Singh Bhalla**
   S/o Sh. Mohan Singh Bhalla
   R/o House no. A-1/11,
   Shakti Nagar Extension
   North West, Delhi – 110052. **…….. Appellants**

Vs

1. **Municipal Corporation of Delhi**
   (Through its Commissioner)
   Dr. S.P.M. Civic Centre,
   Minto Road,
   New Delhi – 110002

2. **Deputy Commissioner,**
   Municipal Corporation of Delhi
   City-Sadar Pahar Ganj Zone,
   Nigam Bhawan, First Floor,
   Old Hindu College,
   Kashmere Gate,
   Delhi – 110006. **……. Respondents**

Date of Filing of Appeal	**:**	**23.06.2023**
Date of Order	**:**	**03.06.2024**

O R D E R

1. Vide this order, I shall decide the appeal filed by appellants against impugned sealing order dated 29.05.2023, passed with respect to property bearing no. 3626 (Part), Bhola Ram Market, Mori Gate, Delhi.

2. Sh. S.D. Dixit, Ld. counsel of appellants has contended that construction in the property in question was old one and appellants had carried out only permissible repairs and not raised any construction. He further contended that the property in question was entitled for protection as same was existing much prior to 07.02.2007. He further contended that up till 2012, a Gurudwara was there in the property in question, which was discontinued and appellant no. 2 after purchasing the property in question, continued the same on the first floor, second floor and third floor of the property in question. He prayed that appeal may be allowed and impugned sealing order may be set aside.

3. Sh. Ashutosh Gupta, Ld. counsel for the respondent has contended that appellant no. 2 had purchased only one shop at the ground floor of the property in question, by virtue of a sale deed and thereafter raised unauthorized construction of first floor, second floor and third floor, which was booked and show cause notice was duly issued in the name of appellant no. 2, who appeared and filed his reply and thereafter sealing

order was passed, after dealing with all the pleas and contentions raised by appellant no. 2 in his reply. He further contended that the appeal filed by appellants is de hors of the law. He prayed that appeal may be dismissed.

4. I have heard Ld. counsel for appellants, Ld. counsel for the respondent, perused the appeal, impugned order as well as record. A perusal of the above shows that property bearing no. 3626 (Part), Bhola Ram Market, Mori Gate, Delhi for unauthorized construction on first floor, second floor and third floor and show cause notice dated 19.04.2023 was issued in the name of appellant no. 2, which was duly served upon him, pursuant to which appellant no. 2 filed his reply and also attended personal hearing and after conclusion of the proceedings, the sealing order dated 29.05.2023 was passed.

5. The plea of appellants is that the ground floor to third floor of the property in question were in existence much prior to 07.02.2007 and earlier a Gurudwara was being run in the property, which was discontinued in the year 2012 and therefore, property in question was entitled for protection but same has not been granted. In support of the said plea, appellants have placed on record certain letters, written by Sh. Harvinder Singh K.P., Senior Vice President, Delhi Sikh Gurudwara

Management Committee to appellant no.2 and notings dated 11.07.2006 and 10.08.2012 of appellant no.2.

6. The material placed by appellants, itself falsify their claim that the property consisting of first floor to third floor was existing prior to 07.02.2007. Appellants have placed on record copy of registered sale deed dated 11.01.2023, vide which, appellant no. 2 purchased the property in question, from its predecessor in interest.

7. A perusal of the said sale deed shows that appellant no. 2 had purchased only one shop bearing private no. 88 (also known as property no. 3626/88), on the ground floor of the property in question with roof rights.

8. There is no mention in the said sale deed regarding existence of first floor, second floor and third floor. Meaning thereby that, when the shop in question was purchased by appellant no. 2 vide sale deed dated 11.01.2023, the property was consisting only of ground floor and appellants has raised construction of first floor to third floor, after purchasing the said shop.

9. The letters placed by appellants, written by some Granthi as well as by Sh. Harvinder Singh K.P., Senior Vice President, Delhi Sikh Gurudwara Management Committee are of no help to appellants as same

are private communications having no authenticity of correctness.

10. The documents of title filed by appellants itself shows that property in question was consisting of only one shop at the ground floor, when the same was purchased and there was no construction at first floor to third floor, which was booked and qua which sealing order has been passed.

11. The Quasi Judicial Authority has considered all these aspects and has passed a well reasoned order and I find no legal infirmity in the same.

12. In view of the above facts and circumstances, I am of the considered view that the Quasi Judicial Authority has passed the sealing order dated 29.05.2023 in accordance with law. Accordingly, the appeal filed by appellants is dismissed.

13. The record of the respondent be send back along with copy of this order. Appeal file be consigned to record room after due compliance.

Announced in the open Court
Today i.e. on 03.06.2024

(PITAMBER DUTT)
AD&SJ-cum-P.O.
Appellate Tribunal : MCD Delhi