

**IN THE COURT OF SH. AMIT KUMAR :**  
**DISTRICT & SESSIONS JUDGE-CUM-PRESIDING OFFICER,**  
**APPELLATE TRIBUNAL, M.C.D., DELHI.**

**APPEAL NO. 114/ATMCD/24**

**1. Darshan Singh  
S/o Late Sh. Raghu Nath,,  
R/o Village Bamnoli,  
Sector-28, Dwarka,  
New Delhi.**

**2. Surat Singh  
S/o Late Sh. Raghu Nath,,  
R/o Village Bamnoli,  
Sector-28, Dwarka,  
New Delhi.**

**..... Appellant**

**Vs**

**Delhi Development Authority.  
Through its Vice Chairman  
Vikas Sadan, INA Market,  
New Delhi**

**.....Respondent**

<b>Date of Filing of Appeal</b>	<b>:</b>	<b>16.03.2021</b>
<b>Date of Order</b>	<b>:</b>	<b>17.10.2025</b>

**ORDER**

1. This is an appeal challenging the demolition order dated 04.03.2021 passed in respect of property No.70, falling in khasra No. 231/232 Village Bamnoli, New Delhi.
2. The brief facts necessary for disposal of this appeal are the predecessor of the appellants were the owner of 97 sq.yds. in khasra No.231 and 232 of Lal Dora Village Bamnoli and have been residing in the said property bearing No.70, since long. The Lal Dora Abadi of khasra No.231 is 80 Bhiga and 9 Biswa and the adjoining land of khasra No.232 is having area of 4 Bhiga and 15 Biswa having a pond surrounded by five feet boundary wall and an area of 858 sq.yds. for road,

148 sq.yds for street, 97 sq.yds. with appellant and some area with the other residents of village. In this appeal it is claimed that the said pond is still in existence as earlier and the house of the appellant is separated by a road from the pond and there is no question of encroachment over the pond by the appellant. The Aks-sizra of khasra No.232 has been annexed.

3. The basic arguments of the Ld. counsel for appellant were two fold. The first argument was that no show cause notice for khasra No.231 was issued and secondly the demarcation of the property was never done nor could have been done after urbanization of the village for which reliance was placed on the judgment of Hon'ble High Court passed in Kamaljeet Bajwa and Ors Vs Govt of NCT and Ors 2023-DHC-4948-DB.
4. Ld. counsel for respondent on the other hand argued that issue involved is only of the encroachment over the pond existing in khasra No.232 and even if no notice for show cause was issued for khasra No.231, the same has no bearing on the merits. On the other aspects it was argued that demarcation in this case was done through TSM Method in pursuance to the directions passed by the Hon'ble High Court in W.P.(C) No.4122/2019 vide order dated 05.11.2019 and therefore, the demarcation report can be considered.
5. As far as the objection of the appellant in respect of show cause notice not being issued in respect of khasra No.231 is concerned, it is sufficient to note that the matter pertains to encroachment on the pond existing in khasra No.232 and non issuance of show cause notice for khasra No.231 is not material for deciding this controversy.
6. Coming to the aspect of demarcation, the appellant himself has filed aks-sizra of Khasra no.232 which shows that there is a pond of about 3344 sq.yds. and thereafter there is some area left for road and street. The next page of this aks-sizra shows that the appellant Darshan has encroached about 78 sq.yds of khasra No.232. The documents filed by the appellant are against the case of the appellant that he has not encroached the area of khasra No.232. Further In the order dated 23.03.1983 passed by the SDM Punjabi Bagh under Section 86-A DLR Act, though it is mentioned that the appellant is in possession of land

measuring 48/84 feet even before 1968 but the khasra Number is not mentioned and the same is not relevant for deciding the possession of the appellant. Further, even in the order dated 15.10.1968 passed by Revenue Assistant the khasra number is not mentioned and the same is of no help to the appellant. The documents filed by the respondent clearly shows that the demarcation was done through TSM Method and the same clearly reflects the encroachment by the appellant on the pond. It is claimed by the appellant that demarcation could not have been done in view of the judgement of Delhi High Court passed in the case of Kamaljeet Bajwa (Supra) but I do not find any force in this argument as, as per the statement the Hon'ble High Court held that since village Kherera was urbanized, the authorities under DLR Act have no jurisdiction. It is important to mention that village Kherera was urbanized on 03.06.1966 whereas village Bamnoli was urbanized vide notification notified in 2002 whereas the TSM demarcation was carried out 16.08.2019. Therefore, this judgment is not applicable.

7. The show cause notice was duly served on the appellant. After service of the show cause notice the appellant was asked to remove the encroachment which he failed to do. The appellant was given ample opportunity for personal hearing and he was called for personal hearing on 31.12.2020. The aks-sizra filed by the appellant clearly shows encroachment. The orders of the revenue authority relied by the appellant no where mentioned khasra number to show that the encroachment by the appellant has been held to be existing before coming into force of Delhi Land Reforms Act. The appeal in fact is devoid of merits. Same is dismissed.

Record of the respondent, if any, be returned along with copy of this order and appeal file be consigned to record room.

**Announced in the Open Court,  
Today i.e. on 17.10.2025**

**(AMIT KUMAR)  
District Judge-cum-P.O.  
Appellate Tribunal : MCD Delhi**