

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

**APPEAL NO. 13/ATMCD/23**

**Sh. Niranjana Lal  
S/o Late Ram Chander Sharma  
R/o a-1/15, Krishna Nagar,  
New Delhi-110051.**

**..... Appellant**

**Vs**

**Delhi Municipal Corporation.  
Through its Commissioner,  
Dr. Shyama Prasad Mukherjee, Civic Centre,  
Minto Road, New Delhi.**

**.....Respondent**

<b>Date of Filing of Appeal</b>	<b>:</b>	<b>12.01.2023</b>
<b>Date of Order</b>	<b>:</b>	<b>28.10.2025</b>

**ORDER**

1. This is an appeal challenging the demolition order dated 23.12.2022 and the brief facts as mentioned in the appeal are that the appellant is the owner of property no. A-1/15, Krishna Nagar, Delhi-110051 and was only repairing his shops which was lying locked for about 05 years and one Sunil Sharma a filed false complaint with the respondent and a work stop notice was issued to the appellant. Thereafter the demolition order dated 23.12.2022 was passed without considering that the property is more than 35 years old and his protected under law. No permission for repair or renovation is required and the demolition order is unsustainable.
2. Ld counsel for the respondent on the other hand argued that the entire property was constructed without obtaining any sanctioned plan and a work

stop notice was issued on 04.11.2022. The building was inspected on 05.12.2022 but the work stop notice was neither complied nor any reply was given to the notice. The unauthorized construction was booked on 05.12.2022 and was served open the appellant on 10.12.2022 and in the absence of any reply the demolition order dated 23.12.2022 was passed.

3. Record shows that there are two electricity connections installed in the property since 26.02.1998 and 04.08.1998. The one is in the name of Smt. Kalawati and the other in the name of the appellant. The respondent was directed to file status report of these two connections and respondent filed the status report on 17.08.2023 after collecting information from BSES which informed that these two connections are in the property at least since July, 2002. The date of energization however, could not be ascertained. The electricity bills duly paid filed by the appellant however confirmed that the electricity was available in this property since February and August, 1998.
4. Further, the status report dated 18.01.2023 filed by the respondent shows that when the JE(B) inspected the property he found that the owner of the shop is carrying out some repairing work. This report of the respondent supports the case of the appellant that only some repairing work was carried out in the shops. The documents filed by the appellant clearly shows that it is an old property. The construction at the second floor of the property has already been demolished by the respondent as per status report dated 17.08.2023.
5. Ld counsel for the respondent had drawn my attention to our judgment passed in civil suit no. 448 of 2002 filed by the appellant against 03 individuals. It was stated that while deciding issue no. 03, the concerned civil court mentioned that shops have been built on unauthorized government land and therefore no protection can be granted to the appellant even under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
6. I have perused that judgment. While deciding issued no. 03, the learned civil court observed that there is nothing on record to conclude that any

encroachment have been made over the government land raising unauthorized construction. This also reflects that there is no encroachment on the government land. Further, this suit was filed in 2002 and as per the averments of the suit the plaintiff built shops in the property as shown in the site plan annexed in the suit. The site plan shown that there existed shops on the ground floor even before 2002. Even if, there is no sanctioned building plan with the appellant, the construction being old is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 till 31.12.2026.

7. In view of the same no coercive action can be taken against the property of the appellant bearing A-1/15, Krishna Nagar, Delhi-110051 in respect of ground and first floor.
8. The construction of second floor has already been demolished and as such the demolition order 23.12.2022 is set-aside till National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is in force. The respondent shall be at liberty to take action once this act ceased to be in force. Appeal is allowed.
9. 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 28.10.2025**

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