

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

**APPEAL NO. 199/ATMCD/2025**

**IN THE MATTER OF :-**

1. Anita  
W/o Suraj  
Presently at  
R/o. H. No.-5, R-1/16, Budh Vihar, Phase-I,  
Sai Baba Mandir, Delhi-110089

2. Anish Habib  
S/o Habib  
R/o A/105, Gali O.-5,  
Bhagirathi Vihar, Delhi-110094.

**.....Appellant**

**Vs**

1. Municipal Corporation of Delhi  
Rohini Zone  
Through Its Commissioner  
Civic Centre, Minto Road,  
New Delhi.

2. The Assistant Engineer,  
(Building-II) Rohini Zone,  
At Sector-05, Rohini,  
Delhi-110085

**..... Respondent**

<b>Date of Filing of Appeal</b>	<b>:</b>	<b>07.04.2025</b>
<b>Date of Order</b>	<b>:</b>	<b>29.10.2025</b>

**JUDGEMENT**

1. This is an appeal against the Vacation notice dated 31.07.2024 u/s 349 of DMC Act passed by the respondent no. 2 in respect of the 'Drug Trafficking Activity at

Ground floor, First Floor and a room and murti at roof of the first floor of the property bearing no. old plot no. 15, K. No. 884, H Block, Aman Vihar, Kirari Suleman Nagar, Delhi-110086 (new number plot no. 244, Fauzi Chowk, Aman Vihar, Delhi)

2. Arguments heard on the appeal.
3. The appellant who is the owner of property bearing plot no. 244, Fauji Chowk, Aman Vihar, Delhi, has challenged the vacation notice dated 31.07.2024 on the grounds that this order is illegal and has been passed without any evidence or material. The brief facts of the appeal are that Deepak @ Suraj, who is the husband of the appellant no. 1 was found involved in a drug trafficking case bearing FIR no. 197/2023, Crime Branch. The Dy. Commissioner of Police wrote a letter dated 02.05.2024 to the Commissioner of MCD seeking appropriate action, if any warranted in respect of the properties of the drug traffickers attached with this letter. The Dy. Commissioner of Police, has mentioned 46 cases in his list. Notice was issued in respect of demolition of the property claimed to be owned by the appellant no. 2. This demolition notice was duly replied by the husband of the appellant no. 1 stating that he is not the owner/ occupier of the property and the construction is old and opportunity of the personal hearing may be granted. Thereafter, the Dy. Commissioner, MCD issued show cause notice dated 31.05.2024 stating that reply be given within 48 hours as to why, action should not be taken under Section 345-A DMC Act for misuse of the property for drug trafficking. This was replied by the appellant no. 1 stating that property is being used for residential purposes and no illegal activity has been done. Reply was also given by her husband stating that notice be withdrawn as there is no unauthorized construction in the property. Thereafter, the sealing order dated 29.07.2024 was passed and the property was sealed on the ground that same is used for drug trafficking.
4. In this appeal, appellant no. 1 claims that the property was never misused for drug trafficking and further she already sold the property to the appellant no. 2 before the sealing order was issued.

5. It was argued for the appellant that the respondent did not verify from any document including charge sheet, seizure memo or any other document in the said FIR registered against the husband of the appellant no. 1 and only on the basis of letter received from the DCP, Police dated 02.05.2024 sealed the property on 09.09.2024. It was argued that no illegal activity was ever done in the property and there was no material available with the respondent to take action.
6. On behalf of the respondent, it was argued that the action was taken as per law under Section 345-A DMC Act on the basis of letter received from DCP and therefore, the appeal is liable to be dismissed.
7. Record shows that except of the letter of the DCP along with annexed list containing about 46 names, there was no material with the respondent to claim that the property is used for drug trafficking. The respondent neither saw the seizure memo nor the charge sheet filed in the said FIR registered against the husband of the appellant no. 1. The letter of DCP is specific that premises may be examined by building byelaws point of view and subsequent action may be taken, if any warranted in the matter. In the sealing order, it is simply mentioned that after going through the record, the Quasi Judicial Authority is satisfied that the order of sealing is required to book unauthorized construction/erection/misuse. There is no material available in the official file regarding the alleged unauthorized construction/erection/misuse and as such, the impugned sealing order was passed without application of mind and without any material and thereafter, the property was sealed. In these facts, the appeal is allowed. The respondent is directed to desal the property carried out in pursuance to the order dated 29.07.2024. The respondent shall pass a reasoned speaking order after giving personal hearing to the appellants within 8 weeks from the date of appearance of the appellants. The appellant shall appear before the Quasi Judicial Authority on 17.11.2025.
8. Appeal stands disposed of.

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 29.10.2025**

**(AMIT KUMAR)  
Addl. District & Sessions Judge-cum-P.O.  
Appellate Tribunal, Delhi.**