

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

APPEAL NO. 143/ATMCD/21

**Smt. Krishna
Aged about 58 years,
W/o Shri Mohan Lal,
R/o H.No. 3750, Kumhar Wali Gali,
Old Subzi Mandi, Delhi-110007**

..... Appellant

Vs

**North Delhi Municipal Corporation
Through its Commissioner,
Civic Centre, Near ITO,
New Delhi**

.....Respondent

Date of Filing of Appeal	:	26.02.2021
Date of Order	:	03.11.2025

JUDGEMENT

1. The demolition order dated 15.03.2019 is being challenged by the appellant vide which the unauthorized construction on the ground floor of property no. 55, Main Road, Subzi Mandi, Delhi was protected under the National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 being constructed prior to cut-off dated 08.02.2007, but the first floor was not protected on the ground that this construction was raised subsequently.
2. This order has been challenged on the ground that the ground and first floor were built simultaneously and the respondent failed to appreciate that even the first floor is protected under the said Act. Attention was drawn in this regard to the vacation notice dated 15.07.2022 of the respondent.

3. Ld. counsel for the respondent on the other hand argued that the appellant failed to show that the first floor has been constructed along with ground floor and same cannot be protected. Part demolition action was carried out of the first floor.
4. Record shows that a vacation notice dated 15.07.2022 was served upon the appellant in respect of property in question. This notice mentions that the property is very old, damages and is dangerous beyond repairs. The structure is consisting of ground and first floor with wooden kadi, red sand stone slab. This vacation notice prima facie show that the ground and first floor are very old, damages, dangerous and construction consists of wooden kadi and red stone slabs. These type of constructions were raised in old days and as on today, the construction is not raised of wooden kadi etc. The respondent did not consider this document. Further, the house-tax self assessment document show that the age of the property is mentioned as 50 years as on 2011-12 consisting of ground and first floor. Even this document was not considered. IN view of the same, the impugned demolition order 15.03.2019 is set aside with directions to the respondent to give opportunity to the appellant to file reply as well as personal hearing and thereafter to pass a speaking order after considering these documents.
5. The appellant shall appear before the Quasi Judicial Authority on 26.11.2025, who shall pass speaking order within 8 weeks thereafter.
6. The appeal stand disposed of.
7. 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 03.11.2025**

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

