

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

**APPEAL NO. 401/ATMCD/2025.**

**Smt. Ranjana Malik  
W/o Sh. D.K. Malik  
R/o B-152/2, Jaiput Extn. Part-II  
Khadda Colony, New Delhi-110044.**

**.....Appellants**

**Vs.**

**1. Municipal Corporation of Delhi  
Through its Commissioner  
17<sup>th</sup> Floor, Civic Center, Minto Road, Delhi**

**2. Executive Engineer,  
Building-II, Central Zone,  
Jal Vihar, Lajpat Nagar,  
New Delhi-110044**

**3. Mr. Rajesh Kr. Gupta  
Assistant Engineer  
Building-II, Central Zone  
Jal Vihar, Lajpat Nagar,  
New Delhi-110044**

**..... Respondent**

<b>Date of Filing of Appeal</b>	<b>:</b>	<b>11.06.2025</b>
<b>Date of Order</b>	<b>:</b>	<b>14.11.2025</b>

**ORDER**

1. The appellant has challenged the demolition order dated 21.05.2025 passed in respect of first floor of his property no. B-153/2, Jaitpur Extension part-II, Khadda Colony, New Delhi. It has been challenged on the ground that the entire property from ground to first floor was built simultaneously in July, 1998 and since that appellant is residing in this property and only minor repairs were done on the roof of the first floor which has been booked unlawfully and should be protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 being in existence prior to 01.06.2014. It was also argued that Hon'ble High Court vide order dated 03.04.2025 in the writ petition filed by the appellant directed the respondent to

give four weeks protection to the appellant after passing speaking order but protection of only 15 days was given and on this ground as well the demolition order is to be set-aside.

2. Counsel for the respondent on the other hand submitted that the mistake of not giving for four weeks time was rectified on 21.08.2025 and appellant was given four weeks time to demolish the property. On merits it is argued that the first floor of the property is newly construction and was booked and demolition order was passed and therefore the appeal is liable to be dismissed.
3. Record shows that the earlier demolition order dated 03.05.2019 was challenged by the appellant before Hon'ble High Court in writ petition no. 2887 of 2022. The Hon'ble High Court directed the respondent to give fresh show cause notice and pass speaking order protecting the property for further four weeks from the date of speaking order. The respondent thereafter served fresh show cause notice which was duly replied and the demolition order dated 21.05.2025 was passed. Since, four weeks time was not given as directed by the Hon'ble High Court, this order was rectified on 22.08.2025 and four weeks' time was given to the appellant and therefore there is no violation of the orders of Hon'ble High Court. Coming to the merits of this case, vide impugned demolition order the first floor of the property has been booked for demolition. The show cause notice dated 01.05.2025 issued mentions that there is unauthorized construction on the ground and first floor of the property and both are old and occupied. During arguments it was stated for the respondent that the then JE(B) considered the property constructed in 2019 as old and so mentioned in the show cause notice. I find no merits in this arguments since there was nothing with the AE(B) even to say that the ground floor which has been protected is old and occupied. When the respondent protected the ground floor, the respondent should have protected the first floor as well National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 being old and occupied. There is nothing with the respondent to say that the ground floor was constructed prior to 01.06.2014 and the first floor was constructed after 01.06.2014. The show cause notice itself mentions both ground and first floor as old and occupied. The property

at the first floor is also entitled protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 till this Act in force.

4. In facts, the demolition order is kept in abeyance till National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. The appellant however shall maintain the status quo as far as the existing construction is concerned and respondent shall be at liberty to take action, if the status quo violated.
5. 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 14.11.2025**

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