

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

APPEAL NO. 448/ATMCD/16

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**Smt. Raj Kumari
D/o Smt. Chanderawai
W/o Sh. Anil Bhartiya,
R/o 59-A/257, Ground Floor,
Harijan Basi Village Patparganj
Delhi-110091.**

**Smt. Pusha
D/o Smt. Chanderawai
W/o Sh. Vijay Singh,
R/o 59-A/257, First Floor,
Harijan Basi Village Patparganj
Delhi-110091.**

**Smt. Kamlesh
D/o Smt. Chanderawai
W/o Sh. Raja Ashraf,
R/o 59-A/257, Second Floor,
Harijan Basi Village Patparganj
Delhi-110091.**

**Smt. Sangeeta
D/o Smt. Chanderawai
W/o Girish Kumar,
R/o 59-A/257, Third Floor,
Harijan Basi Village Patparganj
Delhi-110091.**

**Smt. Priyanka
D/o Smt. Chanderawai
W/o Udai Pratap Singh,
R/o 59-A/257, Fourth Floor,
Harijan Basi Village Patparganj
Delhi-110091.**

..... Appellants

Vs

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

.....Respondent

**Date of Filing of Appeal : 21.04.2016
Date of Order : 21.11.2025**

JUDGMENT

1. The appellants amongst other grounds, have also challenged the sealing order dated 18.03.2016 and the demolition order dated 22.02.2016 on the ground that neither the show cause notices nor the orders were ever served on them or their mother Smt. Chandrawati.
2. It was submitted for the respondent that in 2016 the main post office was at Laxmi Nagar and the sub post office was at Patparganj and the notice was duly served which was also replied by the appellants and therefore, there was property service of the notices and the orders.
3. I have seen the office record of the respondent in both the files. The show cause notice dated 05.02.2016, the demolition order dated 22.02.2016, the show cause notice dated 02.03.2016 and the sealing order dated 18.03.2016 were sent by post to Smt. Chandrawati resident of Laxmi Nagar, New Delhi 110092. The address of the suit property is 257, Patparganj Village, New Delhi 110091. There is nothing available in the office file to show that Smt. Chandrawati is a resident of Laxmi Nagar having pin code as 110092. At which address all these notices and orders were sent and upon whom they were served could not be ascertained from the office record. The respondent has failed to establish service any of the notice or order upon the owner or occupier of the property. The notice was not served by any other mean like pasting or personal service. It was for the respondent to show that the main post office was at Laxmi Nagar and sub post

office was at Patparganj in 2016. Further the record shows that vacation notice dated 30.03.2016 was served personally on appellant No.1 and she replied the same on 11.04.2016 stating that no notice prior to vacation notice was ever received. When the respondent served the vacation notice personally on appellant No.1, why the earlier show cause notices and demolition and sealing orders were not served personally remains unanswered. The first attempt of service should be through personal service as was done of the vacation notice dated 30.03.2016. The respondent never resorted to personal service for the show cause notices and the demolition and sealing order. The demolition order only says that the show cause notice was issued but does not even say that it was served.

4. The impugned orders therefore are liable to be set aside as show cause notices were never served nor any opportunity of being heard was given to the appellant. The orders therefore, set aside the matters are remanded back to the respondent to pass speaking order after giving opportunity of filing reply and personal hearing to the owner /occupiers of the property.
5. The appellant shall appear before the Quasi Judicial Authority on 09.12.2025 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.

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 21.11.2025**

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