

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

APPEAL NO. 862/ATMCD/16

**Smt. Nisha Sharma
W/o Sh. Ram Dev Sharma
R/o 3, Court Lane, Civil Lines
Delhi-110054.**

..... Appellant

Vs

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

.....Respondent

Date of Filing of Appeal	:	19.06.2016
Date of Order	:	02.12.2025

JUDGMENT

1. The appellant in this appeal has challenged the demolition order dated 12.09.2016 which was passed after giving hearing to the appellant on the ground that the appellant purchased the property through sale deed dated 05.04.2010 and thereafter constructed mezzanine floors between ground and first floor and first and second floor and since these constructions were raised prior to 01.06.2014 the construction is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 as the property is situated in special area of Chandni Chowk. Ld. counsel for appellant in this regard has relied upon the copy of the sale deed dated 05.04.2010 in favour of the appellant where she purchased entire first floor, second floor with roof rights of property No.489,490, 491

and 492, Haveli Haiderquli, Chandni Chowk, Delhi and the house tax record and the electricity bills.

2. Ld. counsel for the respondent on the other hand argued that even as per the case of the appellant she constructed two mezzanine floors between ground and first floor and second and third floor in this property after purchasing the property in April 2010 and therefore the same is not protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 as the property is in special area where the cutoff date for protection is 08.02.2007 and not 01.06.2014 as claimed by the appellant.
3. I have perused the record. The appellant in reply to the show cause notice gave her reply dated 29.06.2016 where she claimed that the construction in the property is in existence prior to 1957. Thereafter she stated that she constructed mezzanine floors after purchasing the property. In the present appeal the appellant herself has admitted that mezzanine floors were added after purchasing the property in April 2010. From it, it is clear that the additional construction on mezzanine floor was done after 08.02.2007. Ld. counsel for appellant has claimed that the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is available to the properties situated in special area for the construction prior to 01.06.2014. This interpretation is contrary to the said law. The notification of the Central Government in this regard protects the village abadi, special area that have taken place up to 08.02.2007. The special area has also been defined in this notification which is divided in three separate parts namely; walled city, walled city and extension and Karol Bagh. The walled city is Shahjanabad where the suit property is situated. The protection is available only to the construction existing as on 08.02.2007 and not 01.06.2014 as argued by the appellant. As per the case of the appellant herself she constructed two mezzanine floors after

purchasing the property in April 2010, the same admittedly is without any sanctioned building plan and is not protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

4. In these facts, the impugned demolition order does not suffer from any infirmity and is a well reasoned order passed after giving hearing to the appellant.
5. The appeal is devoid of merits and the same dismissed.

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 02.12.2025**

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