

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

**APPEAL NO. 31/ATMCD/2019**

- 1. Rajender Kumar Mehra**  
**S/o Late Sh. Prem Shankar Mehra**  
**Presently resident of House No. 13/20, First Floor**  
**Shakti Nagar, Delhi-110007**
  - 2. Smt. Lata Mehra (Since Deceased)**  
**W/o Sh. Rajender Kumar Mehra**  
**R/o House No. 13/20, First Floor**  
**Shakti Nagar, Delhi-110007**
  - 2.A. Rajender Kumar Mehra (Husband)**  
**Husband of Late Smt. Late Mehra**  
**S/o Late Sh. Prem Shankar Mehra**  
**R/o 13/20, First Floor, Shakti Nagar**  
**Delhi-110007**
  - 2.B. Vikas Mehra (Son)**  
**S/o Sh. Rajender Kumar Mehra**  
**Legal Heir of Late Smt. Lata Mehra**  
**R/o House No. 13/20, First Floor**  
**Shakti Nagar, Delhi-110007**
  - 2.C. Manish Mehra (Son)**  
**S/o Sh. Rajender Kumar Mehra**  
**Legal Heir of Late Smt. Lata Mehra**  
**R/o House No. 13/20, First Floor**  
**Shakti Nagar, Delhi-110007**
  - 2.D. Smt. Sonia Kapoor (Daughter)**  
**D/o Sh. Rajender Kumar Mehra**  
**W/o Sh. Vinay Kapoor**  
**Legal Heir of Late Smt. Lata Mehra**  
**House No. IV/1680, Mahavir Block**  
**Bhola Nath Nagar**  
**Delhi-110032**
- .....Appellants**
- Vs.**
- Municipal Corporation of Delhi**  
**Through its Commissioner**  
**Civic Center, Minto Road,**  
**Delhi-110002**
- ..... Respondent**

**Date of Filing of Appeal** : **11.01.2019**  
**Date of Order** : **03.12.2025**

### **JUDGMENT**

1. This is an appeal challenging the order dated 14.12.2018 vide which the respondent revoked the sanction building plan dated 26.08.2008 given to the appellant in respect of property no. 1598, Madarsa Road, Kashmere Gate, Delhi. The brief facts necessary for disposal of this appeal are that the appellants purchased this property on 15.07.2005 by virtue of a registered Sale Deed. On their application, building plan was sanctioned on 28.08.2008. However the same was revoked on 14.12.2018 stating that the NOC from Department of Archaeology, Govt. of NCT of Delhi was not obtained by the appellant and the appellant concealed this fact from the respondent and the sanction was obtained by way of misrepresentation of the fact and therefore the sanction was revoked. The appellant has challenged this order on the ground that the entire old City Wall is not a protected monument and the appellant has confirmed this fact from Archaeology Survey of India prior to sanction of building plan but the revocation was done without considering this fact. In the criminal case, the Court did not take cognizance of the offences in FIR no. 29/2009 registered against the appellants and therefore the revocation is contrary to law and should be set aside.
2. Ld. counsel for the respondent on the other hand argued that in appeal no. 590/2010 filed by the appellant challenging the demolition order, this Court observed that old City Wall is an ancient historical monument and protected and therefore NOC is required from Department of Archaeology, Govt. of NCT of Delhi and in view of that order the stand taken by the appellant is incorrect and therefore the appeal should be dismissed.

3. I have perused the record. While remanding back the matter in appeal no. 590/2010, this Court observed that the respondent shall give personal hearing to the appellant after issuing notice to Department of Archaeology, Govt. of NCT of Delhi and shall decide the matter afresh. This Court nowhere opined that the entire old City Wall is a protected monument. It only referred to the letter of Department of Archaeology, Govt. of NCT of Delhi dated 25.09.2009. The office record filed by the respondent shows that an FIR No. 29/2009 was registered against appellant no. 1 and in that charge-sheet, a joint survey was conducted by the Department of Archaeology, Govt. of NCT of Delhi and Archaeological Survey of India, GOI. A joint status report was filed by them on 03.08.2016 which states that the rest of the City Wall from Raj Ghat to Red Fort, Hanuman Mandir to ISBT and Mori Gate to crossing of Zorabar Singh Marg – Hamilton Road is not declared as protected under ASI notification and the City Wall belongs to DDA. It was also mentioned that a letter was also issued that the site in question does not fall under the jurisdiction of ASI. Considering that joint survey report the Ld. M.M. discharged the accused on 08.01.2019. This joint survey report which form part of the record of the respondent was not considered while passing the impugned revocation order. There are notings available in the office record stating that the revocation order is not correct and the building plan sanction should be restored. This joint survey report show that the property of the appellant which is situated near the City Wall from Hanuman Mandir to ISBT is not a declared protected monument nor notified in the official gazette by ASI that it has jurisdiction over this portion of City Wall. The impugned order has been passed mechanically without appreciating that the portion of the City Wall where the property of the appellant is located is not a protected monument. In these facts the appeal is allowed and the impugned revocation order dated 14.12.2018 is set aside. The appellant however shall be required to construct the property strictly as per the sanction building plan without causing any damage to the City Wall near to his property and remove the deviations voluntarily.

4. The appeal is allowed.

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 03.12.2025**

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