

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

**APPEAL NO. 694/ATMCD/2019**

**IN THE MATTER OF :-**

Smt. Trishla Devi  
W/o Late Sh. Ravindra Prasad Jain,  
R/o H. No. 2997, Gali Chakki Wali,  
Ram Bazar, Mori Gate, Delhi-110006

.....Appellant

**Vs**

North Delhi Municipal Corporation  
(now known as Municipal Corporation of Delhi)  
Through Its Office of Deputy Commissioner,  
City S.P. Zone, Nigam Bhawan,  
First Floor, Old Hindu College,  
Kashmere Gate, Delhi-110006.

..... Respondent

**Date of Filing : 02.12.2019**

**Date of Order : 23.12.2025**

**JUDGEMENT**

1. This is an appeal challenging the demolition order dated 21.11.2019 passed in respect of property bearing no. 3010, 3011, 3011A, 3012, 3013 and 2997, Gali Chakki Wali, Ram Bazar, Mori Gate, Delhi.
  2. The brief facts necessary for disposal of this appeal are that the appellant is the owner of this property by virtue of a registered partition deed dated 05.06.2000. The respondent issued show cause notice dated 19.08.2019 claiming unauthorized construction on the entire ground, first and second floor with projection on municipal land. This show cause notice was duly replied with documents and after considering the reply and documents, the
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impugned order was passed stating that JE(B) inspected the site and compared the existing construction with the site plan annexed with the partition deed and same does not tally and therefore, the entire construction is unauthorized.

3. Ld. counsel for the appellant argued that the construction is old and occupied as visible from the house-tax record. Same is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011, yet the impugned order mentions that the entire construction is unauthorized without considering the documents of the appellant. It was stated that the report of the JE(B) was relied while passing the impugned order and the same was never supplied to the appellant to enable her to challenge the site plan prepared by the JE(B) and therefore, the personal hearing was only for the namesake and was not a proper hearing. The appellant carried only some minor repairs in the property which are permissible under clause 6.4.1 of Delhi Building Byelaws of 1983 and therefore, the impugned order is liable to be set aside. It was however also stated that regularization application of the appellant is already pending and outcome of that regularization application shall have bearing on the merits of this appeal.
4. Ld. counsel for the respondent on the other hand argued that even as per the appeal, as mentioned in paragraph 7(xvi), the appellant carried out construction in the property in the year 2015-16 and 2016-17 and since status quo was violated after 08.02.2007 in respect of the construction, the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is not available.
5. I have perused the record.
6. After the partition of the property in 2000, the portion coming to the share of the appellant was mutated in the name of the appellant by the Assessment Order of the property-tax department on 01.10.2001 with effect from 01.04.2001. As per the notice under Section 126 of DMC Act dated

28.02.2002, the appellant added rooms and kitchen at first floor and also added shops at the ground floor and changed the use at ground floor. It means that the ground and first floor was altered and additional construction was raised after partition. The same was before 08.02.2007. However, to get protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011, the same is not sufficient as the appellant as well as respondent are required to maintain the status quo.

7. The appellant in sub-para (xvi) of the appeal herself mentioned that apart from removing internal walls, she erected stairs to go to the first floor and she sold the southern portion of her property. She also converted the two bathrooms on the first floor into staircase leading to the second floor and a room was converted into bathroom, two toilets and lobby and appellant made additional construction of three rooms, lobby, kitchen, toilet and bath on the second floor. All these constructions do not amount to repair as contemplated under 6.4.1 of Delhi Building Byelaws 1983. Erection of stairs, construction of additional rooms, kitchen, toilet etc., are additional constructions which the appellant raised even as per her own pleadings. The appellant therefore, violated the status quo as required to be maintained under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 to seek protection under this Act.
8. The impugned demolition order is therefore, has been properly passed after considering the construction existing in the property as on date. Once, the status quo is violated, the entire property is actionable and even the portion already existing before 08.02.2007 cannot be protected.
9. Pending of regularization application is another aspect and has no bearing on the challenge to this demolition order. The demolition order has to stand on its own merits. Filing of regularization application rather show that there are unauthorized construction which are required to be regularized as per the existing building byelaws.
10. The appeal is without merit and is hereby dismissed.

11. The demolition order is hereby upheld.
12. However, the respondent shall not take action against the property till the regularization application of the appellant, if any filed, is decided. If no such application has been filed as on date, the respondent is at liberty to take action as per law.
13. 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 23.12.2025**

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