

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

APPEAL NO. 243/ATMCD/24

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- 1. Athar Ali,
S/o Qaisar Ali,
R/o A-255, Second Floor,
New Friends Colony,
New Delhi.**

- 2. Ghufuran Ahmad,
S/o Attiqur Rehman,
R/o 677-E, Street No.3, Masjid Wali Gali,
Near Chhaju Gate, Babarpur,
North East Delhi-32,**

- 3. Mohd. Mustafa Kamal,
S/o Late Mohd. Naimuddin Ansari,
R/o H-9, 2nd Floor, Gaffar Manjil,
Jamia Nagar Okhla,
New Delhi-25**

- 4. Suhail Khan,
S/o Baliguzzama Khan,
R/o F-8/29, 4th Floor,
Saqulain Road, Jamia Nagar,
Okhla, New Delhi-25.**

- 5. Intzar Hussain,
S/o Maqsood Ali,
R/o S-40/1, Shaheen Bagh,
Abul Fazal Enclave, Part-II,
Jamia Nagar Okhla, New Delhi-25**

- 6. Mohd Bilal Khan,
S/o Matloob Ali Khan,
R/o 156, 4th Floor, Gali No.19,
Zakir Nagar, ,Okhla, New Delhi-25**

- 7. Sazid Ali
S/o Late Sabir Ali,**

R/o A-225, Thkar No.7,
Shaheen Bagh, Abul Fazal Enclave, Part-II,
Jamia Nagar Okhla, New Delhi-25.

All through Their Power of Attorney
Shamshad Khan S/o Ali Mohd.
R/o H-66, H-Block, Batl House,
Zamia Nagar, Okhla New Delhi-25
Vs

.....Appellants

Municipal Corporation of Delhi
Through its Commissioner
SPM Civic Centre Near Minto Road
New Delhi

.....Respondent

Date of Filing of Appeal : 02.04.2024
Date of Order : 30.01.2026

JUDGEMENT

1. These are two appeals challenging the demolition order dated 08.02.2024 and the sealing order dated 01.03.2024 passed in respect of property No.10 and 11 part of Khasra No. 220/2, Village Okhla, now known as Abul Fazal Enclave-I mentioned as property second from D-15A, Abul Fazal Enclave-I,
2. The appellants have challenged these orders basically on the ground of non-service of show cause notice and the two orders and on the ground that the construction is prior to 01.06.2014 and protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
3. On behalf of the respondent it was argued that there is no dispute to the identification of the property. The notice was served by way of pasting. The appellants did not reply nor there is any material to show that the construction was raised prior to 01.06.14 and therefore, the appeals should be dismissed.
4. I have perused the office record. The show cause notice dated 01.02.2024 and the demolition order dated 08.02.2024 were issued in the name of Dr. Nazim Khan and the particulars of the property were mentioned as property second from D-15A, Abul Fazal Enclave-I. The demolition order dated 08.02.2024 was also sent by post to Dr. Nazim

Khan at New Friends Colony address. It is not mentioned as to why and how the notice was issued in the name of Dr. Nazim Khan and how he is related to the property.

5. Coming to the sealing file, the show cause notice dated 12.02.24 was neither sent nor served by any means as provided under Section 444 of the DMC Act. The same however was in the name of Dr. Nazim Khan. The sealing order dated 01.03.24 though was served through pasting and the photographs therefore are available on record but since the show cause notice was neither sent nor served by any means as provided under Section 444 of the DMC Act, the service of sealing order is of no consequence.
6. In these facts, the impugned orders are set aside and the matters are remanded back to the Quasi Judicial Authority with directions to the respondents to pass a speaking order after considering the reply to the submitted by the appellants within two weeks from today and after giving personal hearing to the appellants. The appellants shall appear efore the Quasi Judicial Authority on 17.02.2026 at 2.00 pm and the speaking order be passed within 4 weeks of conclusion of the hearing.
7. 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 30.01.2026**

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