

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

APPEAL NO. 366/ATMCD/2021

Sh. Manoj Gupta
S/o Lt. Sh. Sat Prakash
R/o B-2/27, Upper Ground Floor
Ashok Vihar, Phase-II, Delhi-110052 **Appellant**

Versus

Municipal Corporation of Delhi
Through its Commissioner
Civic Centre, Minto Road
New Delhi. **Respondent**

Date of Filing of Appeal : **22.10.2021**
Date of Judgment : **11.02.2026**

APPEAL NO. 403/ATMCD/2022

Sh. Manoj Gupta
S/o Lt. Sh. Sat Prakash
R/o B-2/27, Upper Ground Floor
Ashok Vihar, Phase-II, Delhi-110052 **Appellant**

Versus

Municipal Corporation of Delhi
Through its Commissioner
Civic Centre, Minto Road
New Delhi. **Respondent**

Date of Filing of Appeal : **18.07.2022**
Date of Judgment : **11.02.2026**

JUDGMENT

1. These are two appeals challenging the demolition order dated 29.07.2019 in appeal no. 403/22 and sealing order dated 22.10.2021 in appeal no. 366/21 in respect of western portion of property bearing no. 17 & 18 measuring 500 sq. yards part of Khasra no. 393/267/21 and Khasra no. 393/267/22 situated at Damodar Park, Dilshad Garden, Shahdara, Delhi.

2. The appellant has challenged these orders on several grounds including that neither the show cause notices nor the impugned orders were issued in his name nor were served upon him. They were issued in the name of his father who was the owner of the eastern side portion of this property. It was argued that these two portions measuring 500 sq. yards each were purchased by the appellant and his father vide two separate sale deeds and the property tax record of these two portions is separately mutated in the name of the appellant and his father since 08.03.2004, yet the show cause notice and the impugned orders were issued in the name of the father of the appellant and therefore appeals should be allowed because of non-service of the show cause notices and the orders.
3. Ld counsel for the respondent on the other hand argued that the notices and the orders were sent by speed post and were never received back and are deemed to be served under General Clauses Act and therefore the submissions regarding non-service of notices/orders is meritless.
4. I have perused the record. The appellant in appeal no. 366/21 had challenged only the show cause notice dated 05.10.2021 and not the sealing order 22.10.2021. However, an application seeking amendment in the prayer clause was filed on 02.02.2026 seeking amendment only in the prayer clause challenging the sealing order. Since, amendment sought is only formal in nature, the same is allowed and the amended appeal is taken on record.
5. Coming to the facts of the case, admittedly the appellant is the owner of western portion of the property measuring 500 sq. yards whereas his father was the owner of eastern portion of the property measuring 500 sq. yard. The show cause notices and the two impugned orders were issued in the name of the father of the appellant and were sent through speed post. The property was duly mutated in the name of the appellant in the property tax records since 08.03.2004 and it cannot be said that the same was not in the knowledge of respondent. The law requires that the show cause notice and the demolition order should be issued in the name of owner of the property. In the present case the same were not issued in the name of the appellant. The record further shows that though the demolition order were passed mentioning left side portion of the property but the show cause notice did not mention any such fact. Similarly, the show cause notice and the sealing order

issued under Section 345A of the DMC Act did not specify whether the left/western or right/eastern portion of the property has been booked. They were also issued in the name of the father of the appellant.

6. Since, the show cause notices and the two orders were not issued in the name of the appellant, there was no proper service in any of these two appeals. The impugned orders therefore are set-aside and appeals are remanded back with direction to file reply within 15 days. The appellant shall appear before the Quasi Judicial Authority on 27.02.2026 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing. The respondent is directed to desal the property in question, if lying sealed within 10 days from passing of this order.
7. The appeals stand disposed of.
8. 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 11.02.2026**

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