

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

APPEAL NO. 602/ATMCD/2019

APPEAL NO. 107/ATMCD/2020

**Rajesh Kumar Chopra
S/o Sh. Surinder Kumar
Owner of property No. A-55, Sawan Park,
Harizan Colony, Ashok Vihar, Phase-III,
Delhi-110052.**

..... Appellants

Versus

**Municipal Corporation of Delhi
Through its Commissioner
Civic Centre, Minto Road
New Delhi.110002.**

..... Respondent

Date of Filing of Appeal : 09.10.2019 &

26.02.2020

Date of Judgment : 13.02.2026

JUDGMENT

1. These are two appeals challenging the demolition order dated 20.02.2019 and the sealing order dated 27.08.2019 passed in respect of portion of property No. A-55, Sawan Park, Delhi booking unauthorized construction in the shape of basement and ground floor with projection on municipal land. The appellant has challenged these two orders on several grounds including non-service of the show cause notices and the two orders.
2. I have perused the office record. The show cause notice dated 12.02.2019 under section 344 (1) and 343 of DMC Act was sent through speed post to one Surinder

Chopra but not to the appellant. Surinder Chopra is father of the appellant. The demolition order dated 20.02.2019 was also issued in the name of Surinder Chopra and there is no proof of service of the demolition order. It was neither served personally or by pasting and nor by post. The office record of the respondent does not contain any document to show that any effort was made to serve the demolition order.

3. Coming to the sealing notice under Section 345-A of DMC Act dated 18.03.2019 and the sealing order dated 27.08.2019, there is no material in the office file to show that the same were sent or an effort was made to serve the appellant by any mode provided under section 444 of the DMC. It is a case where no hearing was given to the appellant and he was never served with the show cause notice dated 12.02.2019. Further the orders and the show cause sealing notice were never sent by any mode. Since, the principles of natural justice were violated, both the appeals are allowed and matters are remanded back with directions to the respondent to pass a speaking order after considering the reply to be submitted by the appellant and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on 09.03.2026 at 2.00 pm with his reply and documents and the speaking order be passed within 6 weeks of conclusion of the hearing. Respondent is directed to desal the property within two weeks. The appellant is directed not to raise any construction in the property in question till fresh speaking orders are passed by the respondent.
4. Both the appeals stand disposed of.
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 13.02.2026**

**(AMIT KUMAR)
Addl. District & Sessions Judge
PO: Appellate Tribunal, MCD, Delhi**