

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

APPEAL NO. 298/ATMCD/2019

**1. Dharampal
S/o Late Shri Jai Chand**

**2. Smt. Sunita W/o Sh. Dharampal
Both are resident of E-16/1120,
Tank Road, Karol Bagh,
New Delhi-110005.**

..... Appellant

Versus

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

..... Respondent

**Date of Filing of Appeal : 09.05.2019
Date of Judgment : 24.02.2026**

JUDGMENT

1. This is an appeal challenging the demolition order dated 05.06.2018 passed in respect of back side portion of property no. E-16/1121, Tank Road, New Delhi, Bapa Nagar.
2. The appellant has challenged this order on several grounds including non-service of show cause notice and the demolition order.
3. I have perused the office record. The property was booked vide show cause notice dated 25.05.2018 in respect of unauthorized construction in the shape of shop at ground floor with G.I. sheet roof and fixing of two shutters. This show cause notice was sent in the name of owner through speed post. The speed post envelop returned back unserved with the report incomplete name/address. Thereafter, the demolition order dated 05.06.2018 was passed. As per office record this demolition order was served by way of pasting on 06.06.2018.
4. There was no service of the show cause notice as the envelope containing show cause notice was received back unserved. As far as the service of

demolition order by pasting is concerned, though it is a proper way service under Section 444 of DMC Act but in the present case neither any witness nor any photographs of the service of demolition order through pasting. Otherwise also when the show cause notice itself was not served, the service of demolition order is of no use.

5. In these facts, the appeal is allowed and the demolition order dated 05.06.2018 is set aside with directions to the respondents to pass a speaking order after considering the reply and documents to be submitted by the appellant within 15 days from today and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority with his reply and documents on **10.03.2026 at 2.00 pm** and the speaking order be passed within 6 weeks of conclusion of the hearing.
6. 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 24.02.2026**

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