

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

APPEAL NO. 753/ATMCD/2024

**Sh. Roshan Lal
W/o Late Sh. Puran Chand
R/o I-36, Aruna Nagar, Majnu Ka Tilla
Civil Lines, Delhi-110054. Appellant**

Versus

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

**Date of Filing of Appeal : 09.09.2024
Date of Judgment : 11.03.2026**

APPEAL NO. 791/ATMCD/2024

**Ms. Vijay Laxmi
W/o Late Sh. Vijay Kumar
R/o I-36, Aruna Nagar, Majnu Ka Tilla
Civil Lines, Delhi-110054. Appellant**

Versus

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

**Date of Filing of Appeal : 17.09.2024
Date of Judgment : 11.03.2026**

APPEAL NO. 814/ATMCD/2024

**1. Sh. Ramesh Kumar
2. Sh. Kishor Kumar
Both S/o Late Sh. Puran Chand
Both R/o I-36, Aruna Nagar, Majnu Ka Tilla
Civil Lines, Delhi-110054.**

..... Appellant

Versus

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

..... Respondents

**Date of Filing of Appeal : 19.09.2024
Date of Judgment : 11.03.2026**

JUDGMENT

1. Vide this order I will dispose of these three appeals challenging common demolition order dated 20.06.2024 passed in respect of property no.I-36, Aruna Nagar, Majnu Ka Tilla Delhi-110054 since the appellants in these appeals are in possession of different portions of this property and are successor of late Sh. Puran Chand who was the original allottee of this property.
2. The brief facts necessary for disposal of these appeals are that in pursuance to an order received from D.C.P. Delhi Police, the property was booked on inspection because of Narcotics matter on 19.02.2024. A show cause notice dated 19.02.2024 was pasted at site and was duly replied by Smt. Laxmi Devi wife of appellant Roshan Lal of appeal No.753/24. On one personal hearing the appellant Vijay Laxmi of appeal No.791/24 also appeared before the respondent. Laxmi Devi submitted her reply and documents and after considering the same the demolition order dated 20.06.2024 was passed.

3. It was argued for the appellant that show cause notice and the demolition order were never served upon them except of Laxmi Devi. The other appellants are residing in other portions of this property and no service was affected on them. On merits it was stated that the property is old and occupied prior to 08.02.2007 and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and the documents of the appellant were not considered by the respondent.
4. Ld. counsels for the respondent on the other hand argued that service at the subject property through pasting is proper service and wife of Roshan Lal and Smt. Vijay Laxmi appeared before the Quasi Judicial Authority and show cause notice was duly served. On merits it was argued that the appellants have not filed any documents to show the extent of construction existing in the property as on 08.02.2007 and therefore, there are no merits in these appeals.
5. I have perused the record. As far as service of show cause notice is concerned, service through pasting is proper service u/s 444 of DMC Act. Show cause notice was duly replied by wife of appellant Roshan Lal and on one date Smt. Vijay Laxmi also attended the hearing though on behalf of Laxmi Devi. But it cannot be said that there was no service of show cause notice. All the appellants are successor of Late Sh. Puran Chand and it cannot be believed that the two sons who appeared before the Quasi Judicial Authority had knowledge of the show cause notice whereas the other two did not.
6. Coming to the merits of the case. The appellant Ramesh Kumar is in possession of portion shown in blue. Appellant Kishore Kumar is in possession of portion shown in green, Appellant Roshan Lal is in possession of portion shown in red and appellant Vijay Laxmi widow of Vijay Kumar is in possession of portion shown in yellow in the site plan. All the appellants are successor of Puran Chand who was the original allottee of this property. The documents filed by the appellants with their appeals show that Puran Chand was receiving pension at the address of the subject property some time since 1996. His Ration Card, Identity Card is of this

address. The death certificate of Puran Chand dated 04.11.1997 is also of the address of the subject property. The appellant Roshan Lal was born on 01.07.1961 at the address of subject property. His daughters were born at the subject property on 12.08.1983, 02.11.1987, 09.03.1990 and 23.05.1997. These documents duly established that the subject property was in existence much prior to 08.02.2007. Similarly, in appeal No.814/24 a child was born to appellant Kishore on 13.01.2003 and to appellant Ramesh Kumar on 17.07.1993, 29.09.1996, 16.08.1999 and 02.10.2001. Further in appeal No.791/24 child was born to appellant Vijay Laxmi on 19.10.2003.

7. All these documents show existence of the subject property prior to 08.02.2007. The impugned demolition order does not specify the date of the unauthorized construction and admittedly the property was inspected only after a notice from D.C.P. Delhi Police in some Narcotics case. No new unauthorized construction was found at the time of inspection. The construction therefore is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. The demolition order dated 20.06.2024 is upheld but kept in abeyance in respect of property of the appellant till this Act is in force. The respondent is at liberty to take action once the Act ceases to be in force. Appeal stands 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 11.03.2026**

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