

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

APPEAL NO. 41/ATMCD/2020

**Naima
W/o Sharif Ahmed
R/o H.No. 659, Chandni Mahal
Darya Ganj,
Delhi-110002**

..... Appellant

Versus

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

..... Respondent

**Date of Filing of Appeal : 20.01.2020
Date of Judgment : 12.03.2026**

JUDGMENT

1. This is the appeal challenging the demolition order dated 09.01.2020 passed in respect of unauthorized construction in the form of covering the open courtyard at Ground Floor of Property No. 659, Chandni Mahal, Darya Ganj, Delhi 6. The brief facts necessary for disposal of this appeal are that the appellant is a licensee at this property of Wakf Majidia Trust and as per appeal, she got permission from MCD to repair her house on 20.02.2018 and was carrying out permitted repairs but on the false complaint of one Farida Riyaz who are the residents of adjoining property no. 660, the MCD unlawfully booked the property of the appellant and passed the demolition order.
2. It was argued by the appellant that her property is old and occupied and only repairs as permitted by MCD vide permission dated 20.02.2018 were carried out by replacing wooden planks with iron girders but the respondent did not consider this aspect and booked the property on false complaint and therefore, the demolition order should be set-aside.

3. Ld. counsel for the respondent on the other hand argued that there are photographs available on record to show that the appellant covered the open veranda at ground floor and also constructed a room in the shape of mumty at first floor without any sanction building plan and therefore, there are no merits in this appeal.
4. I have perused the record. The show cause notice dated 03.10.2019 was duly replied by the appellant and she also appeared before the Quasi Judicial Authority on 22.10.2019. The respondent after considering her reply & documents and the photographs & report filed by the field staff, passed the impugned order. The photographs available in the office record show that appellant covered the open veranda at the ground floor with the help of iron girders. The portion of her ground floor was old and occupied but she covered the open courtyard and also constructed a small mumty room at first floor. The appellant did not file any document to show that the veranda at the ground floor was covered since the property was licensed to her by the Wakf Majidia Trust. She under the pretext of repair covered the open veranda which amounts to unauthorized construction. The same was done without any sanction building plan. In the absence of any material to show that this veranda was always covered since it was licensed and considering the photographs on record showing unauthorized construction by covering the open veranda, there are no merits in this appeal. The appellant violated status-quo qua construction as existing on 08.02.2007 and is not entitled to protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
5. In these facts, the appeal is dismissed. The demolition order dated 09.01.2020 is upheld.
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 12.03.2026**

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