

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

APPEAL NO. 100/ATMCD/2026

1. Tek Chand
S/o Late Sh. Hari Ram
R/o H.No. 32, Braham Prakash Wali Gali
Village Sungar Pur
New Delhi-110036.

2. Satender Tyagi
S/o Late Sh. Subhash Chand
R/o H.No. 805, near Ashok Vatika
Burari, Delhi-110084.

..... Appellant

Versus

1. Delhi Development Authority
Through its Vice Chairman
I.N.A. New Delhi.

2. Deputy Director (LM)
North Zone, LSC, LU-Block,
Pitampur, Delhi.

3. Executive Officer
Development Area North Zone
LSC, LU-Block,
Pitampura, Delhi.

..... Respondent

Date of Filing of Appeal : 05.02.2026
Date of Judgment : 13.03.2026

JUDGMENT

1. This is an appeal against the demolition order dated 26.12.2025 booking the construction of the subject property falling in Khasra No.101/20, 21 Village Burari, near Kingsway Model School, Delhi-110084.
2. The appellants have challenged this order on the ground that no new construction has been raised in the property. The construction is old and occupied. The colony where the subject property is located is in the list of colonies whose name has been sent to Urban Development for regularization and therefore there is no jurisdiction of DDA for the subject property. The notice was not properly served nor it specified the extent of unauthorized construction and therefore, the impugned demolition order should be set aside. Reliance has been placed upon the judgment of **Hon'ble High Court passed in Mahinder Singh & Ors Vs MCD 1988 RLR 30 and Masonic Club Vs MCD dated 01.11.2000 passed by the Hon'ble High Court and of Hon'ble Supreme Court passed in W.P.(C) No.295/2022 dated 13.11.2024.**
3. Ld counsel for DDA on the other hand argued that the subject property falls in development area as notified by the Government and no construction in development area can be raised without approval of the competent authority and therefore, the appeal is meritless.
4. I have perused the record. The property was booked for unauthorized construction of the entire property vide show cause notice dated 29.05.2025 and the demolition order dated 11.09.2025 was passed. The appellants challenged the same in appeal No.652/25 and the matter was remanded back on 31.10.2025 with the directions to the respondent to provide opportunity of reply and personal hearing to the appellants and pass speaking order. The appellants submitted their reply and documents thereafter and the impugned demolition order dated 26.12.2025 was passed. In these facts there is no merits in the arguments that opportunity of being heard was not provided.

5. Coming to the merits, the appellants have claimed that the construction is old and occupied and the name of the colony is in the list of colonies sent to Urban Development for regularization and therefore, the construction protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and DDA has no jurisdiction.
6. As far as the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is concerned, the construction of the property in this area prior to 01.06.2014 is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. The documents of title of the appellant are dated 08.02.2025. Through this GPA, Agreement to Sell etc the appellants purchased piece of land measuring 1500 sq.yds. When the appellants purchased a piece of land on 08.02.2025, the question of construction being old and occupied does not arise. How can construction be old and occupied, when a piece of land was purchased by the appellants. Otherwise also the appellants have not filed even a single document to show that any construction was existing in the subject property prior to 01.06.2014. The construction if any has been raised after 01.06.2014 and therefore the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is not available.
7. Coming to the aspect of jurisdiction of DDA. The entire area of Majra Kamalpur Burari was declared development area vide notification dated 28.01.2019. Majra Kamalpur is mentioned at Sr.No.35 of this notification. After this notification no construction in the development area can be raised without permission from competent authority i.e. DDA and therefore, DDA has every right to book the subject property.
8. It was also argued for the appellants that the name of this colony where the subject property is situated is in the list of colonies sent to Urban Development for regularization. Record will show that the appellants have claimed that the subject property is situated in 3 different colonies at different stages. In the title documents of the appellants the subject property is situated in colony known as West Kamal

Vihar. In the reply dated 18.11.2025 given to the respondent it was stated that the property is situated in Kaushik Enclave. In the appeal the appellants are silent about the name of the colony and it is stated that the same is situated in Majra Kamalpur Village Burari. The appellants themselves are not sure about the name of the colony where subject property is situated.

9. In view of this discussion, the appeal is devoid of merits. Same is dismissed.

10. 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 13.03.2026**

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