

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

APPEAL NO. 459/ATMCD/2023
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Sh. Manoj Kumar Jain
S/o Sh. Sunhari Lal Jain
R/o A-93/10-A, Chhattarpur,
New Delhi-110074.

..... **Appellants**

Versus

Municipal Corporation of Delhi
Through its Dy. Commissioner
Dr. S.P.M. Civic Centre, Minto Road
New Delhi-110002.

..... **Respondent**

Date of Filing of Appeal : 24.07.2023
Date of Judgment : 17.03.2026

JUDGMENT

1. These are two appeals challenging the demolition order dated 05.12.2022 in appeal No.459/23 and sealing order dated 15.02.2023 in appeal No.460/23 passed in respect of property No.A-48, Chhattarpur, New Delhi measuring 90 q.yds. out of Khasra No.824/1, Village Chhattarpur New Delhi.
2. The appellant has challenged these orders on several grounds including non-service of show cause notices and the two orders. It was argued that the address of the subject property was not mentioned in any of the notices and orders and it was mentioned as property opposite B-182/A Near Nanda Hospital Chhattarpur Extension and therefore, neither the show cause notices were served nor opportunity of being heard was provided.
3. Ld. counsel for the respondent on the other hand argued that it is an unauthorized colony and there exist no permanent municipal numbers. Even the appellant mentioned the address of the subject property as property No.B-142/2 Near Nanda Hospital Chhattarpur, New Delhi in his

Writ Petition No.7103/23 filed before the Hon'ble High Court and therefore, the contention that the correct address of subject property was not mentioned in the notices is baseless. It was further stated that the show cause notices and the two orders were served by pasting at site for which photographs were also taken and the same were duly served upon the appellant.

4. I have perused the record. As far as the show cause notice and the sealing order passed under section 345A of the DMC Act is concerned, the show cause notice for the ground and first floor dated 28.12.2022 as well as the impugned sealing order dated 15.02.2023 were never served upon the appellant. The office file neither has any proof of service nor it contains the mode through which the show cause notice and the sealing order were dispatched or served upon the appellant. The file has only noting that the show cause notice be issued and no reply has been received. There is nothing to show service of show cause notice and therefore the appeal No.460/23 is liable to be allowed for this reason.
5. Coming to the demolition record, the show cause notice dated 24.11.2022 and the demolition order dated 05.12.2022 were served by pasting for which photographs were obtained. The same however were not in the name of the appellant nor were addressed at the address of the property. The same were issued in the name of owners / builders at the address opposite B-182/1. The show cause notice and the demolition order have a drawing of the location where property No.B-182/1 and property No.A-65 are mentioned but the particulars of subject property are missing. If there are property numbers to the property opposite to the subject property on both sides, how it is possible that the subject property does not have a municipal number. The respondent was required to issue notice in the name of the appellant with proper address of the subject property. A notice mentioning a property opposite B-182/1 is not a proper notice and there is no presumption that it was served by pasting at the subject property and upon the appellant and therefore, even the demolition order dated 05.12.2022 is liable to be set aside.
6. Both the appeals are allowed and the two impugned orders are set aside.

7. The appellant shall appear before the Quasi Judicial Authority with reply and documents on 07.04.2026 at 2.00 pm and shall not seek any further opportunity in this regard and the speaking order be passed within 6 weeks of conclusion of the hearing.
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 17.03.2026**

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