

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

APPEAL NO. 123/ATMCD/14

1. Gobind Kaur @ Govind Kaur (Now deceased)
Through legal heir

(I). Arvinder Singh (Husband)

(II). Karandeep Singh (Son)

(III). Amanpreet Singh (Son)

All R/o H.No. 11100, Doriwalan
Ram Nagar, Delhi-110005

..... Appellant

Vs

North Delhi Municipal Corporation,
Service to be effected through,
its Commissioner,
at Civic Centre, Minto Road,
New Delhi.

.....Respondent

Date of Filing of Appeal : 07.02.2014
Date of Order : 09.04.2026

ORDER

1. This is an appeal against the demolition order dated 10.06.2013 passed in respect of unauthorized construction from ground to third floor of property NO.11100, Doriwalan, Shidhi Pura, Karol Bagh, New Delhi.
2. The appellant has challenged this order on several grounds including non-service of show cause notice. It was argued that the same was neither sent at correct address nor was received by the appellant.
3. Ld. counsel for the respondent on the other hand argued that the show cause notice was sent through speed post and is deemed to be served under General

Clauses Act. The appellant has to rebut this presumption but there is no material to show that it was not served and therefore, this argument is baseless.

4. I have perused the record. The address of the subject property is 11100, Doriwalan. The postal receipt dated 13.05.2013 vide which the respondent sent the show cause notice dated 09.05.2013 mentions the address as 1100, New Delhi-110005. This clearly shows that the correct address was not mentioned on the envelope containing the show cause notice as instead of 11100, the property Number was mentioned as 1100. There cannot be a presumption of service under General Clauses Act once the address on the envelope containing the show cause notice was incorrect. In these facts, the appeal is entitled to be allowed as no opportunity of hearing was provided to the appellant and principles of natural justice were violated.
5. The appeal is allowed.
6. In these facts, the demolition order dated 10.06.2013 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 and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on **27.04.2026 at 2.00 pm** and the speaking order be passed within 6 weeks of conclusion of the hearing.
7. 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 09.04.2026**

**(AMIT KUMAR)
District Judge-cum-P.O.
Appellate Tribunal : MCD Delhi**