

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

**APPEAL NO. 161/ATMCD/24**

**Sheeba Abraham  
W/o Faisal Saleem Siddiqui,  
R/o F-337. Gali No. 6, Khasra No. 91,  
Wazirabad, Delhi-110084**

**..... Appellant**

**Vs**

**Municipal Corporation of Delhi.  
Through its Commissioner,  
17<sup>th</sup> Floor, Dr. S.P.M. Civic Centre,  
Minto Road, New Delhi.**

**.....Respondent**

**Date of Filing of Appeal : 05.03.2024**  
**Date of Order : 17.04.2026**

**ORDER**

1. This is an appeal challenging the demolition order dated 18.04.2022 passed in respect of unauthorized construction in the shape of second, third and fourth floor at property No.F-337, Gali No.6, Khasra No.91, Wazirabad, Delhi-110084.
2. The appellant has challenged the impugned order on several grounds including that the show cause notice was not served upon the appellant and the correct address of the property was not mentioned in the show cause notice as well as in the demolition order.
3. Same has been opposed by the respondent on the ground that both were duly served through speed post and pasting at site and therefore the principles of natural justice were duly following.
4. I have perused the record. Though the name of the appellant is mentioned in the show cause notice dated 07.04.2022 and in the demolition order dated

18.04.2022 but the show cause notice was sent through speed post only in the name of one Shumaila Ibrahim. Further, the address mentioned in the show cause notice is not of the subject property but is referred as property adjacent to pole No.532-47/19 Khasra No.91, Gali No.6, Wazirabad. The address of the property was not mentioned in the show cause notice and the same was not sent by speed post to the appellant, it cannot be presumed that it was served upon the appellant. The presumption of service will arise only if the show cause notice mentions the correct name and address of the appellant. The show cause notice also records that it was served through pasting but there are no photographs of pasting nor there are any witnesses to the pasting.

5. In these facts, the demolition order dated 18.04.2022 is set aside with directions to the respondent to pass a speaking order after considering the reply to be submitted by the appellant and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on 04.05.2026 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.
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 17.04.2026**

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