

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

APPEAL NO. 610/ATMCD/2025

**Smt. Geeta Yadav,
Widow Late Sh. Udai Yadav,
R/o WZ-225, Madipur Village,
New Delhi-110063**

..... **Appellant**

Versus

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

..... **Respondent**

Date of Filing of Appeal : 02.09.2025
Date of Judgment : 11.05.2026

JUDGMENT

1. This is an appeal challenging the demolition order dated 11.08.2025 in respect of unauthorized construction carried out in the Property No. WZ-225, Madipur Village, New Delhi (hereinafter referred as subject property) in the shape of Ground Floor, First Floor and Second Floor with projections on municipal land.
2. The brief facts necessary for disposal of this appeal as per appeal are that the subject property is the ancestral property of the appellant and constructed prior to 2007. As per appellant, her brother-in-law Mr. Pawan Yadav filed Writ Petition(c) No. 5359/2021 before the Hon'ble High Court in respect of alleged illegal projection which was disposed of on 09.09.2022. Thereafter, the son of Mr. Pawan Yadav, Mr. Puneet Yadav filed another Writ Petition(c) No. 9752/2025 before Hon'ble High Court wherein the appellant came to know about this order and was directed to approach this tribunal and hence this appeal.
3. As per appellant, the construction of ground, first and second floor is old and occupied and protected under National Capital Territory of Delhi Laws

(Special Provision) Second Amendment Act, 2011 being prior to 08.02.2007 but the MCD did not consider the documents of the appellant and passed the impugned demolition order which should be set aside.

4. Ld. counsel for the respondent on the other hand argued that there is no document filed by the appellant to show that the construction is old and occupied and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and there are projections on municipal land therefore, the appeal should be dismissed.
5. I have perused the record. Admittedly, there is no sanction building plan of the subject property and the construction is unauthorized. Whether the same is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 or not has to be ascertained through documents filed by the appellant.
6. The respondent booked the unauthorized construction in the shape of ground, first and second floor with projections on municipal land on 23.07.2025. The show cause notice was duly replied by the appellant with documents. The respondent thereafter provided personal hearing to the appellant and passed the demolition order on 11.08.2025. The documents relied by the appellant are two electricity connections in respect of ground floor and the first floor. The electricity connection at the ground floor was obtained on 11.12.2003 and for the first floor, on 28.02.2004. The same was much prior to the cut of date of 08.02.2007 which clearly show that the ground floor and the first floor were constructed prior to 08.02.2007 and are protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. The respondent did not give any finding in the impugned order regarding these documents and as to why the ground and the first floor are not protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. As a matter of fact, the demolition order does not say as to why these electricity connections are not relevant.
7. The demolition order mentions that though electricity bills of 2003 & 2004 for ground and first floor were given but the appellant could not produce house tax receipt prior to 08.02.2007. Non-production of house tax receipts cannot be a ground to reject the electricity bills showing energization date for ground and the first floor much prior to 08.02.2007. The appellant has established

through these electricity bills that the ground and first floor are in existence prior to 08.02.2007 and are protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.

8. Coming to the second floor, the property admittedly was booked on a court matter and at the time of booking on 23.07.2025, no construction activity was going in the property. It was booked because of writ petition filed before Hon'ble High Court. The photographs of the property filed by the appellant show that the construction is quite old. The appellant has filed on record certain bills showing the building material being purchased for constructing the second floor of the property. These bills show that building material was purchased in 2006 to raise construction in the property. The electricity bills have shown that the electricity at first floor was energized in March-April 2004. Any construction in the property in 2006 can be only at the second floor as the first floor was already constructed prior to 2004 when electricity was energized. These bills of building materials of 2006 therefore show that even the second floor was constructed in 2006 and prior to 08.02.2007 and the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is available even to the second floor.
9. In these facts, the demolition order dated 11.08.2025 is to be upheld as construction is without sanctioned building plan, but kept in abeyance till National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 is in force. The MCD shall be at liberty to take action in pursuance to this demolition order once the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 ceases to exist.
10. The appeal stand disposed of.
11. 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 11.05.2026**

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