

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

APPEAL NO. 338/ATMCD/2026

**Sh. Allaudin Khan
S/o Mohd. Yasin
R/o H.No. T-220/E, Savitri Nagar,
Malviya Nagar, New Delhi-110017.**

..... Appellant

Vs

**Municipal Corporation of Delhi
Through its Commissioner
New Delhi**

..... Respondent

**Date of Filing of Appeal : 24.04.2026
Date of Order : 14.05.2026**

ORDER

1. This is an appeal challenging the demolition order dated 11.06.2024 passed in respect of unauthorized construction in the shape of basement, ground to third floor in respect of property No.T-220/E, Savitri Nagar, New Delhi.
2. The brief facts necessary for disposal of this appeal are that the appellant is the owner of this property after the death of his mother. As per appellant, the property measuring 90 sq.yds. was constructed in 1995 and the appellant had carried out only repairs as permitted under Building Bye-Laws in the year 2021. The respondent, however, booked this property vide show cause notice dated 07.02.2024 on the basis of court case. The show cause notice was duly replied but the respondent did not consider the documents of the appellant and passed the demolition order dated 11.06.2024.
3. It was argued for the appellant that the property is in existence since 1995 and is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 but the Quasi Judicial Authority did not consider the documents of the appellant which show

that the property is old and occupied. The booking itself records that the construction is old and occupied and without ascertaining the exact date of construction, the respondent passed the demolition order which should be set aside.

4. Ld. counsel for the respondent on the other hand argued that there are photographs to show that the entire property was reconstructed and the appellant has not filed any document to show that the construction exists since prior to 08.02.2007. A basement in the property has also been constructed and therefore, there are no merits in this appeal.
5. I have perused the record. Admittedly, the property has been constructed without sanctioned building plan and the appellant has sought protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 on the ground that the property was constructed prior to 08.02.2007 and only repairs have been made in the property. The show cause notice was duly replied and it is not a case that opportunity of being heard was not provided to the appellant. The photographs on record of MCD clearly show that fresh construction was raised in the property from basement to third floor after demolishing the old structure and it is not a case of repairs.
6. The documents of the appellant show that a relinquishment deed was executed in favour of the father of the appellant on 08.09.2020 vide which the property measuring 90 sq.yds. situated in abadi of Lal Dora, Sheikh Sarai Village came to the ownership of father of the appellant. The description of construction is not mentioned in this relinquishment deed which only refers it to be as property bearing No.T-220/E. The electricity bill relied by the appellant show that the date of energization of the electricity at basement is 05.10.2011, The date of energization of the electricity at ground floor is 26.11.2021, at first and second floor is 10.10.2008 and of the third floor is 26.03.2021. None of these electricity connections are prior to the cutoff date of 08.02.2007 and therefore, does not help the appellant to establish that the construction from basement to third floor is of 1995 as alleged or is prior to 08.02.2007. The water connection, the telephone connection and ration card though are prior to 08.02.2007 but do not establish as to what was the extent of construction

as on 08.02.2007. All other documents like gas connection, passport are much after 08.02.2007. The appellant has not filed any document to show that the construction up to third floor is prior to 08.02.2007.

7. On the other hand the photographs in the office record clearly show that fresh construction was raised in the property. The fact that the booking record, that the basement to third floor is old and occupied does not mean that the same exists prior to 08.02.2007. Once the appellant claims protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011, the onus is on him to show that the construction is prior to the cutoff date of 08.02.2007 which the appellant has failed to prove.
8. In view of the above discussion, I do not find any merits in this appeal. Same is dismissed. Impugned demolition order is upheld.
9. 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 14.05.2026**

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