

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

APPEAL NO. 713/ATMCD/2025

**Gulam Hussain
S/o Late Mohd. Noor Nizami
R/o 104-A, Kh. No. 554
Nizam Nagar, Basti Hazrat Nizamuddin
Delhi-110013**

..... **Appellant**

Versus

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

..... **Respondent**

Date of Filing of Appeal : 27.10.2025
Date of Judgment : 11.06.2026

JUDGMENT

1. This is an appeal challenging the demolition order dated 29.09.2023 passed in respect of unauthorized construction carried out in the Property No. 104-A (wrongly mentioned as 104-B in the impugned order), Khasra No. 554, in front of 66 Musafir Khanna, Nizam Nagar, New Delhi in the shape of Ground Floor, First Floor and raising column of Second Floor (hereinafter referred as subject-property).
2. The brief facts necessary for disposal of this appeal are that the appellant who is the owner of the property no. 104-A, Khasra No. 554, in front of 66 Musafir Khanna, Nizam Nagar, New Delhi has challenged this order on several grounds including that the correct number of the property was not mentioned in the show cause notice as well as in the impugned demolition order. Further, the demolition order was never served upon the appellant and only the demolition action was taken against the property of the appellant on false

complaint lodged by one Mohd. Tufail Khan and therefore, the impugned order should be set-aside for this reason alone.

3. Ld. counsel for MCD on the other hand argued that no prejudice was caused to the appellant by mentioning incorrect municipal number of the property. The show cause notice was duly replied by the appellant and he did not dispute the identity of the property and therefore, the appeal should be dismissed.
4. I have perused the record. The respondent booked the unauthorized construction in property no. 104-B, Khasra No. 554, in front of 66 Musafir Khanna, Nizam Nagar, New Delhi vide the show cause notice dated 20.09.2023 in the shape of ground floor, first floor and raising columns of second floor. The appellant replied this show cause notice on 03.10.2023 and did not dispute the property number mentioned in the show cause notice. The demolition order however is completely silent in respect of the reply submitted by the appellant nor it dealt with the contentions raised by the appellant in his reply dated 03.10.2023 which is available in the office record at page 16/C & 17/C.
5. Neither the reply was not considered nor personal hearing was provided and Principles of Nature Justice were violated. An order passed without considering the reply and without providing opportunity of personal hearing is liable to be set aside. In these facts the appeal is allowed and the matter is remanded back with directions to the respondent to consider the reply already submitted and respondent will provide personal hearing to the appellant and shall pass fresh speaking order within six weeks of conclusion of the hearing proceedings.
6. The appellant shall appear before the Quasi Judicial Authority for this purpose on 01.07.2026 at 02.00 PM with his documents, if any. The impugned show cause notice shall be considered being issued in respect of property no. 104-A, Khasra No. 554, in front of 66 Musafir Khanna, Nizam Nagar, New Delhi and not for property no. 104-B. The appellant shall not raise any construction in the property during the proceedings before the Quasi Judicial Authority and if the same is done, the respondent shall be at liberty to take action against the property as per law.

7. Record of the respondent, if any, be returned along with copy of this order and appeal files be consigned to record room.

**Announced in the open Court
today i.e. on 11.06.2026**

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

