

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

**APPEAL NO. 789/ATMCD/24**  
**APPEAL NO. 1053/ATMCD/24**

**Seema Alam**  
**W/o Late Mohd. Nasir Alam**  
**R/o G-50/7, Shaheen Bagh, Abul Fazal**  
**Enclave-II, Jamia Nagar, Okhla,**  
**New Delhi-110025. .... Appellant**

**Vs**

**Municipal Corporation of Delhi.**  
**Through its Commissioner,**  
**Civic Centre, 17<sup>th</sup> floor, Minto Road,**  
**New Delhi-110002. ....Respondent**

**Date of Filing of Appeal : 12.09.2024**  
**Date of Order : 12.06.2026**

**ORDER**

1. These are two appeals challenging the demolition order dated 28.03.2024 in appeal No.789/24 and sealing order dated 28.08.2024 in appeal No.1053/24 passed in respect of unauthorized construction in the shape of ground to fourth floor in property No.G-50/7, Shaheen Bagh, Abul Fazal Enclave-II, New Delhi.
2. As per the appellant her late husband purchased this property through GPA etc. on 07.10.2010. The property was constructed much prior to that in 2005 and the appellant with her family is residing in the property since the date of purchase and the construction is protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011. The respondent booked the property on a false complaint filed by one neighbor Sultana Munavvar who filed a W.P.(C) No.13867/2023 before the Hon'ble High Court and the respondent

without inspecting the property booked the property of the appellant. It was argued for the appellant that the construction is old and occupied as mentioned by the respondent in the show cause notice yet the respondent failed to give protection to the property under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and therefore the impugned orders should be set aside.

3. Ld. counsel for the respondent on the other hand argued that not even a single document has been filed by the appellant to show that the construction is prior to 01.06.2014 which is the cutoff date of protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and the entire construction is without sanctioned building plan and is unauthorized and is liable to be demolished and therefore the appeal should be dismissed being meritless.
4. I have perused the record. The husband of the appellant through unregistered documents purchased this property on 07.10.2010. The description of the construction is not mentioned in these unregistered documents which otherwise cannot confer a valid title in favour of the deceased husband of the appellant.
5. Further, though it is mentioned in the show cause notice issued u/s 344(1) read with 343 of DMC Act that the property is old and occupied but that does not in itself mean that it is prior to 01.06.2014. The appellant has to show that the property was constructed prior to 01.06.2014. The documents filed by the appellant before this Tribunal as well as before the Quasi Judicial Authority do not show that any construction was existing prior to 01.06.2014 except for the ground and the first floor. The documents filed with this appeal are the copies of the Aadhar Card, the unregistered title documents, photographs of the property and one lease agreement dated 18.10.2017 in respect of one room and kitchen at the fourth floor of the property. These documents do not show the extent of construction except for the fourth floor. The rent agreement is dated 18.10.2017 and does not help the appellant as is after 01.06.2014. Otherwise also the rent agreement is unregistered and cannot be taken into account.
6. The appellant however, filed certain electricity bills before the Quasi Judicial Authority which show that the electricity at the ground floor and the first floor was

energized on 03.03.2010 through separate connections. This show that the ground floor and first floor were in existence prior to 01.06.2014. There is no other documents in respect of second, third and fourth floor of the property. The identity documents like Aadhar card do not show the extent of construction.

7. In these facts only the ground floor and the first floor are protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and the other floors being not protected are liable to be demolished forthwith. In these facts considering that there is no sanctioned building plan for the subject property, the demolition and sealing orders are upheld but are kept in abeyance in respect of ground and first floor of the property.
8. There is no protection for the second, third and fourth floor under this Act and MCD is at liberty to take action against second, third and fourth floor. The action against ground and the first floor may be taken once the protection under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 ceases to be in force.
9. With above observations, both the appeals stand disposed of.
10. 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 12.06.2026**

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