

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

**APPEAL NO. 988/ATMCD/2024**

**Atul Ahuja  
S/o Sh. Jagdish Chandra Ahuja  
R/o WZ -106/71, Rajouri Garden  
New Delhi - 110027**

**..... Appellant**

**Versus**

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

**..... Respondent**

|                                 |          |                   |
|---------------------------------|----------|-------------------|
| <b>Date of Filing of Appeal</b> | <b>:</b> | <b>07.11.2024</b> |
| <b>Date of Judgment</b>         | <b>:</b> | <b>07.07.2026</b> |

**JUDGMENT**

1. This is an appeal challenging the two demolition orders dated 24.06.2024 and 18.09.2024 passed in respect of unauthorized construction carried out in the Property No. WZ-106/65A, Rajouri Garden Extension, New Delhi in the shape of Ground Floor, First Floor, Second Floor and raising walls & columns at Third Floor with projections on municipal land (here in after refereed as subject property).
2. The brief facts necessary for disposal of this appeal are that the appellant is the owner of property bearing no. WZ-106/65A measuring around 4.30 sq. meter (subject property) and of property no. WZ-106/65B measuring 8.36 sq meter. The present appeal relates to the property no. WZ-106/65A which was purchased by the appellant through registered sale deed dated 23.04.2024. The other property was also purchased through separate sale deed on the same date. The respondent booked the unauthorized construction in the shape of raising columns and walls at ground floor vide show cause notice

dated 13.06.2024 and passed the demolition order dated 24.06.2024. Thereafter, the construction in the shape of ground, first and second floor and raising columns and walls at the third floor were booked again on 05.09.2024 in continuation of the previous booking dated 13.06.2024 and the demolition order dated 18.09.2024 was passed.

3. The appellant has challenged these two orders on the ground that the neighbor of the appellant filed a writ petition before Hon'ble High Court and the respondent booked the property of the appellant without giving any opportunity of hearing to the appellant. Neither the show cause notices nor the demolition orders were served upon the appellant. The respondent does not issue sanction plan for property below 30 meters and the size of the plots of the appellant is less than 30 meters. The appellant has not encroached on any public land and has raised his dwelling house as per law. The impugned orders are liable to be set aside since the show cause notices were never served upon the appellant. The appellant has not raised unauthorized construction in the subject property and therefore, the appeal should be allowed and the impugned demolition orders should be set aside.
4. Ld. counsel for the respondent on the other hand argued that the appeal is barred by limitation and there is no application seeking condonation of delay. One appeal challenging two demolition orders is not maintainable. The title document of the appellant are only for an area of 4.29 sq. meters whereas construction has been raised in much bigger area which is encroachment on public land and therefore, the appeal is without merits and should be dismissed.
5. I have perused the record. The appellant has raised preliminary issue in respect of non-service of show cause notices and the demolition orders. The office record produced by MCD show that the show cause notice dated 13.06.2024 in respect of the initial booking was served through pasting at the subject property. The photograph of the pasting are available in the office record at page 18/C. Service through pasting is approved mode of service and has been approved by our own High Court and reliance in this regard can be placed on the following judgments:

i) Paramjeet Kaur V/s MCD 1994 (56) DLT 720.

ii) Narender Prasad Dube V/s. Union of India 1999 (81) DLT 378.

iii) Hari Dutt Vashistha V/s. MCD 1978 (2) ILR (Delhi) 28.

iv) Usha Devi Sharma V/s. MCD 2020 (271) DLT 76.

6. Further, the demolition order dated 24.06.2024 was duly received by the appellant himself under the signature on 28.06.2024.
7. The second show cause notice dated 5.09.2024 was sent through speed post and as per track consignment report at page 26/C of the office record, it was delivered to the appellant on 12.09.2024. It was also served through pasting on 10.09.2024 and the photographs of pasting are at page 25/C & 24/C of the office record. Similarly the demolition order dated 18.09.2024 was served through speed post on 23.09.2024 as per track consignment report at page 20/C and through pasting as per photographs at page 19/C & 18/C. In these facts there is no force in the argument of the appellant that the show cause notices and the demolition orders were not served.
8. Coming to the aspect of limitation. The present appeal was filed on 07.11.2024 against the demolition orders dated 24.06.2024 and 18.09.2024 without any application seeking condonation of delay. An appeal against the demolition order is required to be filed within six days from the date of service of demolition order and the present appeal being filed much after the expiry of six days from the date of service of demolition orders is barred by limitation and is liable to be dismissed on this ground alone. The appellant has not even sought condonation of delay.
9. Be that as it may, even there are no merits on facts in the appeal. The title document of the appellant, of the subject property, which is a sale deed dated 23.04.2024 show that the property at that time was only single floor i.e. ground floor. The particulars of the property referred in the sale deed are property consisting of ground floor with terrace right. The subject property as such was having one floor as on 23.04.2024. However, the affidavit of construction filed by the appellant with this appeal show that the property is having ground floor, upper ground floor and first floor. Even as per the case of the appellant, the construction at the subject property, on the date of appeal is of three floors. The appellant raised unauthorized construction after purchasing the property on 23.04.2024.
10. Further, the appellant did not stop the unauthorized construction after the initial booking dated 13.06.2024 when the unauthorized construction in the

shape of raising columns and walls at ground floor was booked. He continued with this unauthorized construction and raised ground, first and second floor with walls and columns at third floor booked on 05.09.2024. The construction admittedly is unauthorized, without any sanction and is not protected under any law. The appeal therefore is devoid of merits and is dismissed. The impugned demolition orders are upheld.

11. 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 07.07.2026**

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