

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

APPEAL NO. 296/ATMCD/26

**M/s Arya Samaj Sainik Farms Dharmarth Samity
Through its Authorized Signatory
Office at Arya Samaj Sainik, Farms Dharmarth Samiti,
Kh. No. 581 and 583, Village Maidan Garhi,
New Delhi-110068. Appellant**

Vs

**Delhi Development Authority
Office at Dy. Director (Hort.)-BDP-SE,
Aravali Biodiversity Park,
Near M.P. Bhawan,
Vasant Kunj, New Delhi-110070.Respondent**

Date of Filing of Appeal	:	08.04.2026
Date of Order	:	07.07.2026

ORDER

1. Vide this order I will decide the preliminary objection raised by the respondent regarding maintainability of the appeal. The respondent raised this objection on 29.05.2026 when it was stated that the respondent/DDA has not passed any order under Section 30 & 31 of DDA Act and therefore this appeal is not maintainable.
2. Ld counsel for the respondent/DDA argued that the impugned order dated 24.03.2026 has not been passed under Section 30 & 31 of the DDA Act and therefore an appeal under Section 31C of the DDA Act is not maintainable before this Tribunal and appropriate remedy is to approach the Civil Court against the impugned order. It was also argued that the appellant otherwise has no locus to file this appeal.

3. Ld counsel for the appellant on the other hand argued that the DDA derives the power from DDA Act and the sole power of demolition under this Act is provided under Section 30 & 31 of the Act and respondent/DDA cannot take coercive action at its own whims and fancies without mentioning the provision in the impugned order. Arguments were also addressed on the aspect of locus standi, violation of Principles of Natural Justice, etc. Ld counsel for the appellant also relied upon the following judgments: -

- (1). Shridhar C Shetty v. The Additional Collector (2020) 9 SCC 537 (Para 3 and 17).
- (2). Bhavnagar University v. Palitana Sugar Mill (P) Ltd., (2003) 2 SCC 111.
- (3). ANZ Grindlays Bank Pie and Ors. Vs. The Commissioner, MCD and Ors. 1995(34)DRJ492 (para 45 & 52).
- (4). State of Rajasthan vs. Rajendra Prasad Jain 2008 (15) SCC 711 (para 7 and 8).
- (5). Government of Andhra Pradesh vs Thummala Krishna Rao 1982 (2) SCC 134 (para 8).
- (6). DCM v. DDA REA (OS) 104/2012 decided on 19.03.2013 (para 20-21).
- (7). Bal Kishan v. DDA WP(C) 10825/2005 (31.01.2024) (para 33, 35, 36 and 37).
- (8). Suraj Lamp and Industries Private Limited (2) Through Director v. State of Haryana & Anr. (2012) 1 SCC 656, (para 25-27).
- (9). Maya Devi vs Lalta Prasad 2015 (5) SCC 588 (para 9-10).

4. I have perused the record and the judgments relied upon and for the following discussion this appeal is not maintainable. The impugned order dated 24.03.2026 states that there is encroachment on government land which falls in Khasra No. 580, 581, 582, 583, 585, 587, 588, 589, 590, 591, 595, 596, 606, 607, 608, 609 and 610 in village Maidan Garhi, New Delhi. This order

was passed to the occupants to vacate the property and remove unauthorized construction/encroachment within 15 days.

5. Section 31C relates to the appeals to be filed before this Tribunal under this Act against certain orders passed under this Act and Section 31C of the DDA Act is reproduced herein for the sake of convenience.

“31C. Appeals.—(1) Any person aggrieved by any of the following orders made under this Act, may prefer an appeal to the Appellate Tribunal, namely:—

(a) an order of the Authority granting or refusing to grant permission for development under sub-section (3) of section 13;

(b) an order of the Authority or the local authority disposing of any land under section 21;

(c) an order of the Authority in the course of dealing with any nazul land developed by it under section 22;

(d) an order of an officer of the Authority or the competent authority made under sub-section (1) of section 30, for the removal of any development;

(e) an order of the Authority or an officer of the Authority, or the competent authority made under sub-section (1) of section 31, for discontinuing any development;

(f) an order of the Authority or the competent authority made under section 31A, directing the sealing of any development.

(2) An appeal under this section shall be filed within thirty days from the date of the order appealed against :

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) An appeal to the Appellate Tribunal shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed by rules.”

6. Under Section 30 of DDA Act an order of demolition of building is passed where any development has been commenced in contravention of Master Plan, Zonal Development Plan, without permission/approval/sanction referred in Section 12 of this Act. An order of demolition under Section 30 of this Act does not relate to encroachment on public land. The demolition order under Section 12 primarily is regarding unauthorized construction contrary to sanction obtained from the authority. This Section 30 is completely silent in respect of an action of demolition against encroachment. Similarly, Section 31 relates to the power to stop development which is done in contravention to the same conditions mentioned under Section 30.
7. Section 31C specifically mentions the relevant provisions and orders which are appealable under Section 31C and order passed by DDA for removing the encroachers even if they are in long possession is not appealable before this Tribunal as is not an order passed under Section 30 read with Section 31 of the DDA Act.
8. The show cause notice dated 05.03.2026 was duly served upon the appellant and was even replied by the appellant and thereafter the impugned order was passed and the action was taken. The impugned order is not appealable under Section 31C of the DDA Act. Since the appeal is not maintainable, it will not be appropriate for this Tribunal to decide to other contentions regarding locus standi, violation of Principles of Natural Justice, title dispute etc.
9. The appeal is dismissed being not maintainable. The appellant is at liberty to seek appropriate remedy as per law.
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 07.07.2026**

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