

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

APPEAL NO. 265/ATMCD/2018

- 1. Jagmohan Aggarwal
S/o Late Smt. Sushila Devi & Shri Krishan Lal**
- 2. Smt. Tripta alias Geeta Aggarwal
W/o Shri Jagmohan Aggarwal**
- 3. Nand Kishore @ Nandkishore Aggarwal
S/o Late Smt. Sushila Devi & Shri Krishan Lal**
- 4. Arvind Aggarwal
S/o Smt. Geeta @ Tripta Aggarwal & Shri Jagmohan Aggarwal**
- 5. Gaurav Aggarwal
S/o Smt. Tripta Aggarwal & Shri Jagmohan Aggarwal**

**All are residing at
401, BE-Block, Hari Nagar, Delhi-110064**

..... Appellants

Versus

**Delhi Development Authority
Through its Vice-Chairman
Vikas Sadan, INA
New Delhi-110023**

..... Respondent

Date of Filing of Appeal	:	23.04.2018
Date of Judgment	:	21.07.2026

JUDGMENT

1. This is an appeal challenging the demolition action executed on dated 08.07.2005 by the Delhi Development Authority (DDA) at the property bearing House No. 410, BE-Block, Street No. 7, Hari Nagar, Abadi Village Tihar, (out of Khasra No. 1922/1), New Delhi-110064 (hereinafter referred as subject property)

2. The brief facts necessary for disposal of this appeal are that vide supplementary award no. 1794, the Land Acquisition Collector acquired land of khasra no. 1921/1, 1922/1, 1982 and 1983 measuring 17 bigha 6 biswa. This land includes the subject-property which was originally owned by late Mr. Brij Gopal s/o Mr. Diwan Swaroop. As per appellants, late Sh. Kishan Lal who was the predecessor in interest of the appellants purchased land measuring 200 sq. yards (subject property) from Sh. Brij Gopal on 31.10.1966 by virtue of agreement to sell and possession letter, bearing plot no. 410, BE Block, Hari Nagar, New Delhi. The LAC under land acquisition proceedings demolished some unauthorized construction on 08.07.2005 including subject property and handed over the possession to DDA and now a park maintained by Horticulture Department exist at the site of the subject-property.
3. The appellants who are the legal heirs of late Sh. Kishan Lal have challenged this demolition action on several grounds whereas Ld. Counsel for DDA has opposed this appeal being barred by limitation and being not maintainable since no order has been passed under section 30 & 31 of the DDA Act.
4. As far as the aspect of limitation is concerned, it will be important to note the relevant dates. The appellants have challenged the demolition action dated 08.07.2005 and this appeal was filed on 23.04.2018 after a delay of almost 13 years. It was argued on behalf of the appellants that the appellants are entitled to benefit of section 14 of the limitation Act since they were pursuing another remedy with bonafide intention in a Court which did not has jurisdiction. Further, it was argued that if there is a fraud or mistake, the limitation shall not begin until and unless the fraud or mistake is discovered and lastly, that in case of continuing cause of action, the limitation shall start from each cause of action.
5. Ld. counsel for the DDA on the other hand argued that the appellants were not pursuing any other remedy as alleged. Neither they filed any Civil Suit nor any Writ Petition nor any other litigation against the demolition action and therefore, the delay being inordinate and not explained cannot be condoned.
6. I have perused the record. Record shows that the appellants have not placed on record copy of any proceedings initiated by them against the impugned demolition action except of one LA Case No. 23/2009. This LA case was referred to permanent Lok Adalat, DDA in LA No. 232/2010 which was not

settled on 25.05.2010. In this order dated 25.05.2010, it was recorded that the amount of Rs. 88390.48 was paid to Brij Gopal and of Rs. 34857.80 was sent to ADJ Court under section 30-31 of Land Acquisition Act and that the predecessor of the appellants have not been able to show any sale deed of the land in question.

7. Except of this order, there is no material on record to show that the appellants were pursuing some other remedy to take benefit of section 14 of the Limitation Act. Further this permanent Lok Adalat order is dated 25.05.2010 whereas this appeal was filed on 23.04.2018 and there is no explanation for the period of almost 08 years between these two dates. What the appellants were doing in between is not explained. The appeal therefore is barred by limitation and the delay is unexplained and inordinate. The same cannot be condoned and appeal is dismissed on this ground alone.
8. Even otherwise this appeal is not maintainable as no order has been passed under section 30 read with 31 of the DDA Act. An appeal under section 31C of the DDA Act is maintainable before this Tribunal only against the orders mentioned in section 31C (1) of the DDA Act. In the present case, the demolition action was taken by Land Acquisition Collector under Land Acquisition proceedings and thereafter, the land was handed over to DDA. The appeal therefore is not maintainable as there is no order of demolition passed under section 30 read with 31 of DDA Act.
9. In view of the above, the appeal is dismissed being barred by limitation as well as being not maintainable.
10. The records 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 21.07.2026**

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