

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

APPEAL NO. 52/ATMCD/26

**Mrs. Rajwant Kaur
W/o Sh. Raminder Singh,
R/o H.No. B-8, Khasra No. 33/22,
Chander Vihar, Nilothi Extnsion,
Delhi-110041.**

..... Appellant

Vs

**Municipal Corporation of Delhi
Through its Commissioner
17th Floor, Civic Centre, Minto Raod,
New Delhi-110002.**

.....Respondent

Date of Filing of Appeal	:	20.01.2026
Date of Order	:	31.07.2026

ORDER

1. This is an appeal challenging the demolition order dated 06.11.2025 passed in respect of unauthorized construction in the shape of entire ground to fourth floor in property No. B-8, Khasra No. 33/22, Chander Vihar, Nilothi Extension, Delhi.
2. The brief facts necessary for disposal of this appeal are that the respondent vide show cause notice dated 10.10.2025 booked this unauthorized construction on the basis of a drug case registered against the husband of the appellant, namely, Sh. Raminder Singh. The show cause notice was duly served through pasting and was replied and the demolition order dated 06.11.2025 was passed.

3. The appellant has challenged the said order on the ground that her husband was acquitted in that criminal case vide judgment dated 01.03.2024. The show cause notice was duly replied by her but the respondent did not consider her reply, nor provided any opportunity of being heard and passed the impugned order by simply recording that no satisfactory reply has been received and since the impugned order is a non-speaking order, the same should be set-aside.
4. Ld counsel for the respondent/MCD on the other hand argued that the documents of the appellant clearly show that there is no sanctioned building plan and the unauthorized construction was raised after the protection date of 01.06.2014 available under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011 and therefore the appeal is liable to be dismissed.
5. I have perused the record. The appellant admittedly gave a detailed reply to the show cause notice on 21.10.2025 which was duly mentioned in the demolition order wherein the reply was rejected simply by noting that it is not satisfactory. The respondent did not pass a speaking order giving reasons as to why the reply is not satisfactory.
6. The respondent being a Quasi Judicial Authority is required to pass speaking order to make the affected person aware about the reasons of the impugned order. In the judgment of the Hon'ble Delh High Court passed in the case of **Jaspal Singh Jolly Vs MCD 125 (2005) DLT 592** it was held that the impugned order saying reply was unsatisfactory is bad in law and is liable to be quashed.
7. In these facts, the demolition order dated 06.11.2025 is set aside with directions to the respondent to pass a speaking order after considering the reply dated 21.10.2025 submitted by the appellant and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on 17.08.2026 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.

8. 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 31.07.2026**

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