

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

APPEAL NO. 461/ATMCD/2024
APPEAL NO. 1081/ATMCD/2024

Vinod Ratra
S/o Late Shri D. N. Ratra
R/o F-3/13, Vasant Vihar
New Delhi - 110057

..... Appellant

Versus

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

..... Respondent

Date of Filing of Appeal	:	02.07.2024 & 18.12.2024
Date of Judgment	:	25.08.2026

JUDGMENT

1. These are the two appeals challenging the demolition order dated 24.06.2024 in appeal no. 461/24 and the sealing order dated 20.09.2024 in appeal no. 1081/24 passed against the unauthorized construction carried out in the property falling in Khasra No. 600, 609, 610 and 611, C-Block, Asha Park, New Delhi in the shape of construction of boundary wall along with barbed wire fencing and gate in Khasra No. 600, 609, 610 and 611 situated in C-Block, Asha Park and further unauthorized construction carried out in the shape of a room (hereinafter referred as subject property).
2. The brief facts necessary for disposal of these appeals are that the appellant claims to be the owner in possession of the subject property measuring around 7200 sq. yards through two sale deeds executed by his wife in his favour being an attorney of Sh. Sukh Dial. Delhi police in exercise of power under section 33 of Delhi Police Act took possession of an area measuring 5800 sq. yards out of khasra no. 600, 610, 611 vide order dated 20.11.1995.

The appellant challenged this order in W.P. (crl.) no. 872/19 and the Hon'ble High Court vide final order dated 12.01.2024 directed the Sub Divisional Magistrate (SDM) concerned to decide the matter afresh.

3. The SDM vide order dated 21.03.2024 passed under section 145 of Code of Criminal Procedure directed that the possession of the property be released to the appellant. The appellant thereafter constructed the boundary wall with barbed wire fencing on the boundary wall at the subject property which was booked by the respondent vide show cause notice dated 15.04.2024. The same was replied by the appellant and a demolition order dated 06.05.2024 was passed.
4. The appellant challenged this order in appeal no. 345/24. The MCD vide its order dated 16.05.2024 withdrew the demolition order dated 16.05.2024 and in view of the same, the earlier appeal no. 345/24 was disposed of on 17.05.2024. The respondent thereafter provided hearing to the appellant and passed the impugned demolition order dated 24.06.2024 directing the demolition of this boundary wall and an additional unauthorized room stated to be constructed after the show cause notice dated 15.04.2024 was issued. Subsequently, the respondent passed the impugned sealing order in respect of the unauthorized construction and sealed the subject property.
5. The appellant has challenged these two orders on the ground that the appellant is the owner of the subject property by virtue of two registered sale deeds. The old boundary wall and the rooms existing in the property as existing since order dated 20.11.1995 passed by Delhi Police, were only repaired after the possession was handed over to the appellant after the orders of SDM concerned and no fresh construction has been raised. The appellant himself has brought down the height of the boundary wall as per the contention of the MCD and the construction of boundary wall is protected under clause 2.0.1 (d) (vii) of UBBL–2016 read with clause 7.2.6.2 and 1.4.75 of the UBBL–2016. It was also argued that the impugned demolition order in respect of the room is bad in law as it was never mentioned in the show cause notice. The construction of boundary wall is permitted under UBBL–2016 without any sanction and therefore, the two impugned orders should be set aside.

6. Ld. counsel for MCD on the other hand argued that the appellant is not the owner of the property. A litigation challenging the title of the appellant is sub-judice before Hon'ble High Court. The suit of the plaintiff seeking mandatory injunction to restore the boundary wall was dismissed on 09.01.2013 and the appeal against that order was dismissed on 31.10.2014. The subject property is not a residential developed plot. There exist no building in the subject property which is essential to construct the boundary wall. The subject property as per layout plan is meant for Local Shopping Center and Govt. School and appellant has no right to construct boundary wall and therefore the appeals should be dismissed.
7. I have perused the record. This Tribunal is not competent to adjudicate the issue of ownership. But it is relevant to note that the appellant has claimed ownership on the basis of two sale deeds executed in his favour by his wife being an attorney of the alleged recorded owner Mr. Sukh Dial. However, there is no document on record to show that how Mr. Sukh Dial was the owner of entire subject property. Certain facts are important to be noted in respect of the conduct of the appellant.
8. The Delhi Police vide order dated 20.11.1995 took possession of only 5800 sq. yards of land in khasra no. 600, 610 and 611 village Tihar. The appellant however filed the criminal writ petition before Hon'ble High Court claiming that this order is in respect of land measuring 7200 sq. yards and one more khasra bearing no. 609, which was never a part of Delhi Police order dated 20.11.1995 was added. The appellant tried to mislead the Hon'ble High Court by mentioning wrong details of the area of the land as well as the khasra numbers, which were taken possession by Delhi Police.
9. It is also relevant to note that an order passed on 20.11.1995, was challenged before Hon'ble High Court in 2019 after a delay of about 24 years.
10. Be that as it may, there appears to be no merits in this appeal for the reason that the appellant has raised boundary wall in an area measuring 7200 sq yards and the construction of same is not permissible under Building bye-laws. Under clause 2.0.1 (d)(vii) construction and re-construction of parapet and boundary walls as permissible under this bye laws does not require any building permit. Clause 7.2.6 prescribed the boundary wall height. Under this clause, a boundary wall is permitted for residential plotted development and

for other types of buildings like mercantile buildings, business buildings and other buildings described under clause 1.4.75 of UBBL – 2016.

11. All these clauses read together show that existence of a building of whatsoever nature as provided under clause 1.4.75 is per-requisite for constructing a boundary wall. A boundary wall cannot be constructed for the subject property measuring around 7200 sq yards without there being a building. The appellant cannot take shelter under these clauses to claim that no permission for raising a boundary wall is required, even if the layout plan prescribes that the land is meant for a Local Shopping Center and Govt. School. In these facts the boundary wall raised by the appellant is unauthorized.
12. The definition of building provided under clause 1.4.15 of UBBL–2016 is also relevant. As per this definition any wall enclosing or intended to enclose any land is a building. The subject property is land measuring 7200 sq. yards and a wall enclosing this land falls within the definition of building as defined under this clause and therefore the appellant constructed a building and not a boundary wall and the same was without any sanction and therefore liable to be demolished.
13. Coming to the aspect that only an old existing boundary wall was repaired. The photographs annexed by the appellant and filed by the respondent clearly show that it is a case of fresh construction of boundary wall over the subject property and not a case of repairs as claimed. Otherwise also as per the order dated 20.11.1995 passed by Delhi Police, the boundary wall was only on a land of 5800 sq yards with 7-8 old rooms, whereas as on today, the boundary wall is in an area of 7200 sq yards with one newly constructed room and this construction is obviously after the fresh order passed by the SDM on 21.03.2024.
14. In view of this discussion there are no merits in these appeals. The impugned orders are upheld and the appeals are dismissed.
15. Records 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 25.08.2026**

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