

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

APPEAL No. 275/ATMCD/26

**Parvinder Chaudhary
S/o Sh. Azad Singh,
R/o H.No. B-34, Khanpur,
Devli Road, Dr. Ambedkar Nagar,
Deoli, South Delhi, New Delhi-110062** **Appellant**

Vs

**Municipal Corporation of Delhi.
Through its Commissioner,
17th Floor, Dr. S.P.M. Civic Centre,
Minto Road, New Delhi.** **Respondent**

Date of Filing of Appeal : 01.04.2026
Date of Order : 31.08.2026

ORDER

1. This is an appeal challenging the sealing order dated 27.01.2026 passed in respect of property number – Khasra no. 564, F-Block, adjacent to Khazari Women Polytechnic, Devli Road, Khanpur, New Delhi booking unauthorized construction in shape of ground floor and first floor.
2. The brief facts necessary for disposal of this appeal are that the respondent booked the unauthorized construction in the form of ground floor and first floor vide show cause notice dated 02.06.2023 in continuation of the previous booking dated 15.03.2023. Thereafter, the demolition order dated 12.06.2023 was passed. The same was followed by the sealing order dated 26.08.2023 and property was partially sealed. The appellant challenged the sealing order in appeal no 484/24. This appeal was allowed on 30.10.2025 and the matter

was remanded back with directions to the respondent to give personal hearing to the appellant and pass fresh speaking order.

3. In pursuance to this direction, personal hearing was provided to the appellant and the impugned sealing order dated 27.01.2026 has been passed.
4. The appellant has challenged this sealing order on the ground that no proper speaking order has been passed within the time given by this Tribunal in the order dated 30.10.2025. The order is a mechanical order and did not comply with the directions of this Tribunal. The property was never inspected in the presence of the appellant on 09.09.2025 as alleged by MCD. The property number of the appellant is as Khasra no. 562 and not 564 as booked by the respondent and the appellant has been using the property since 2007 and also had a sanction building plan for the property which has been wrongly revoked and therefore the impugned order should be set-aside.
5. Ld counsel for the respondent/MCD on the other hand argued that the appellant till date has not challenged the demolition order and this appeal without challenging the demolition order is liable to be dismissed. The sanctioned building plan has been revoked and the entire construction is unauthorized. There is no dispute to the identity of the subject property as same was inspected jointly by MCD and the appellant and therefore the appeal should be dismissed.
6. I have perused the record. The respondent booked the property by referring as Khasra no. 564 which was disputed by the appellant and in the earlier appeal no. 484/24, this Tribunal ordered a joint inspection to identify the property. The site was inspected on 09.09.2025 in compliance to the order dated 06.05.2025 and during joint inspection the property booked as Khasra no. 564 was same as claimed by the appellant to be Khasra no. 562. The appellant has disputed this joint inspection. The proceedings of the joint inspection filed as annexure-A with this appeal show that it was duly signed by one Pravesh Choudhary on behalf of the appellant and it was told that he is the real brother of the appellant. Once, the property was inspected in the presence of the brother of the appellant, the appellant cannot claim that it was

not jointly inspected. It is not the case of the appellant that he has strain relations with his brother or that his brother did not inform the appellant about this inspection. It is also relevant to note that this inspection was done on 09.09.2025 during the pendency of the previous appeal no. 484/24 which was disposed of on 30.10.2025 and the appellant did not challenge this inspection report during the pendency of that appeal. In these facts there is no dispute qua the identity of the property.

7. Coming to the aspect of passing a mechanical order after remand back. Admittedly, the appellant duly joined the hearing proceedings before the Quasi Judicial Authority on 24.11.2025, 17.12.2025 and 23.12.2025 and thereafter the impugned sealing order was passed on 27.01.2026. The respondent considered and examined the documents of the appellant and after hearing the appellant passed the impugned order. The sanctioned building plan obtained has already been revoked on several grounds and that revocation order has not been challenged. The appellant obtained a sanctioned building plan under 'Saral Scheme' which has now been revoked and as on date the appellant does not have any sanctioned building plan. The construction has been raised after 01.06.2014. The sanctioned building plan was in respect of dwelling unit but as on date there exist commercial establishment at the property. The appellant has not challenged the demolition order which was the basis of passing the sealing order. The construction of the property is unauthorized and is not protected under National Capital Territory of Delhi Laws (Special Provision) Second Amendment Act, 2011.
8. In these facts, the appeal is devoid of merits. Same is dismissed. Sealing order is upheld.
9. 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 31.08.2026**

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