

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

APPEAL NO. 772/ATMCD/26

**1. Smt. Alisha Suri
W/o Sh. Jai Suri
R/o 135/10, Gautam Nagar,
New Delhi-110049.**

**2. Smt. Suruchi Suri
W/o Sh. Ajay Suri
R/o 135/10, Gautam Nagar,
New Delhi-110049.**

..... 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	:	25.08.2026
Date of Order	:	09.09.2026

ORDER

1. This is an appeal challenging the demolition order dated 13.08.2026 passed in respect of unauthorized construction in the shape of covering of space proposed for road widening, amalgamation with property no. 135/5, Gautam Nagar and 135/7, Gautam Nagar and a room at the terrace of the third floor in property no. 135/10, Gautam Nagar, New Delhi.
2. The appellants have challenged this order on several grounds including that proper opportunity of hearing was not provided and further the order is non-

- speaking order specifically in respect of the covering of space proposed for road widening.
3. Ld counsel for the appellants argued that the appellants could not appear before Quasi Judicial Authority on 10.08.2026 because of fever and their request for adjournment for 10.08.2026 was not considered and the impugned demolition order was passed.
 4. Ld counsel for the respondent/MCD on the other hand argued that the appellants were given personal hearing on 25.05.2026, 12.06.2026, 22.06.2026, 10.07.2026, 27.07.2026 and finally on 10.08.2026 when they failed to appear and thereafter the reasoned demolition order was passed.
 5. I have perused the record. There is no material filed by the appellants to show that they sought adjournment before Quasi Judicial Authority on 10.08.2026. They were provided ample opportunity for personal hearing since 25.05.2025 and they always sought time to get the booked construction regularized on one or the other pretext. Therefore the arguments of the appellants that they were not provided personal hearing is factually without merits.
 6. However, the impugned order is completely silent in respect of covering of the space proposed for road widening. The office record shows that the FIR dated 23.04.2026 record that the width of the street in which the property is situated is 18 meter wide. The appellants with their reply submitted photographs with the Quasi Judicial Authority showing that the width of the road is 23.67 meter equivalent to 77 feet 8 inches. The Quasi Judicial Authority while passing the impugned order did not deal with the aspect nor mentioned as to how much space of the subject property is coming in the proposed road widening.
 7. The respondent is required to specify as to whether the width 23.67 meter claimed by the appellants is factually correct and also to mention the exact space of the property coming in the proposed road widening. The order therefore is liable to be set-aside on this aspect.

8. In these facts the demolition order dated 13.08.2026 is set-aside with directions to the respondents to pass a speaking order after considering the reply submitted by the appellant and after giving personal hearing to the appellants and specifically with regard to space proposed for road widening. The appellant shall appear before the Quasi Judicial Authority on 22.09.2026 at 2.00 pm and the speaking order be passed within 6 weeks of conclusion of the hearing.

**Announced in the Open Court,
Today i.e. on 09.09.2026**

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