

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

APPEAL No. 145/ATMCD/21

**1. Smt. Savitri Devi
W/o Sh. Preetam Singh
2. Sh. Preetam Singh
S/o Late Sh. Mallu Ram
Both residents of H.No. 10 Ghondli Village,
Krishna Nagar, Delhi-110051**

APPEAL No. 146/ATMCD/21

**1. Smt. Leela Devi
W/o Sh. Vijender.
2. Vijender
S/o Late Sh. Mallu Ram.
3. Sh. Vinay
S/o Sh. Vijender.
All R/o H.No. 8, Ghondli Village,
Krishna Nagar, Delhi-110051.**

APPEAL No. 147/ATMCD/21

**1. Smt. Sarvati Devi
W/o Sh. Devi Singh.
2. Sh. Devi Singh
S/o Sh. Bhagwan Dass
3. Sh. Devender Bhushan
S/o Sh. Devi Singh
All R/o H.No. 9, Ghondli Village,
Krishna Nagar, Delhi-110051.**

.....Appellants

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 : 26.03.2021
Date of Order : 15.09.2026

ORDER

1. These are three appeals challenging the three separate demolition orders dated 22.03.2021 passed in respect of unauthorized construction in the shape of ground to third floor with projections on municipal land in three different properties owned by different appellants. The subject property in appeal no. 145/21 is H.No. 10, Village Ghondli, Krishna Nagar, Delhi-110051, in appeal no. 146/21 is H.No. 8, Village Ghondli, Krishna Nagar, Delhi-110051 and in appeal no. 147/21 is H.No. 9, Village Ghondli, Krishna Nagar, Delhi-110051.
2. All the appellants in their respective appeals have challenged the impugned demolition orders on several grounds including that their respective replies to the show cause notice dated 03.03.2021 were not considered nor any opportunity of personal hearing was provided.
3. This ground has been opposed by Id counsel for the respondent/MCD on the ground that the replies were given by the appellants only on 24.03.2021 by which date the demolition orders were already passed on 22.03.2021 and there was no reason for respondent to consider the replies as the same were received late.
4. I have perused the record. The respondent sent the show cause notice dated 03.03.2021 in respect of all the three properties on 12.03.2021 through speed post. As per track consigned reports available in the office record the same were received by the appellants on 15.03.2021. 12.03.2021 was a Friday and the next two days were holidays for respondent. All the appellants gave separate replies to this show cause notice on 24.03.2021, which is available

- in the office record but the respondent had already passed the demolition orders on 22.03.2021.
5. The respondent waited for 10 days in posting the show cause notice dated 03.03.2021. The period to file response to the show cause notice shall start from the date of service of the show cause notice and not the date mentioned on the show cause notice. It was served on 15.03.2021 and was replied on 24.03.2021. The respondent did not wait for sufficient period for the replies. When the show cause notice was posted after 10 days, without any explanation, the respondent should have waited at least for 10 days for the replies.
 6. Not only that the replies were not considered being received late, no opportunity of personal hearing was provided by the respondent.
 7. In these facts, the three demolition orders dated 22.03.2021, passed in respect of, H.No. 10, village Ghondli, Krishna Nagar, Delhi-51, H.No. 8, village Ghondli, Krishna Nagar, Delhi-51 and H.No. 9, village Ghondli, Krishna Nagar, Delhi-51 are set aside with directions to the respondent to pass fresh speaking orders after considering the replies dated 24.03.2021 submitted by the appellants and after giving personal hearing to the appellants. The appellants shall appear before the Quasi Judicial Authority on **05.10.2026 at 2.00 pm** and the speaking orders 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 appeals file be consigned to record room.

**Announced in the Open Court,
Today i.e. on 15.09.2026**

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