

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

APPEAL NO. 532/ATMCD/24

APPEAL NO. 71/ATMCD/25

**1. Smt. Manjoola
W/o Sh. Jagdish Thakur**

**2. Sh. Devender Thakur
S/o Sh. Jagdish Thakur**

**Both residents of H.No. 405, Gali 16,
B-Block, Sant Nagar, Burari, Delhi-110084. 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 : 23.07.2024 & 06.02.2025
Date of Order : 01.10.2026**

ORDER

1. These are two appeals challenging the demolition order dated 19.02.2024 in appeal no. 532/24 in respect of unauthorized construction in the shape of ground and first floor and demolition order dated 01.04.2024 in appeal no. 71/25 in respect of unauthorized construction in the shape of second floor in property bearing H.No, 405, Gali No. 16, B-Block, Sant Nagar, Burari, Delhi-110084.

2. The appellants have challenged these orders on several grounds including that their replies to the show cause notices were not considered and same were rejected by writing that replies are unsatisfactory and demolition orders are liable to be set-aside on this ground alone.
3. Id counsels for the respondent on the other hand argued that the property was booked twice for unauthorized construction on 13.02.2024 and 20.03.2024. The appellants did not stop the unauthorized construction after first booking which was only for ground and first floor and constructed the property upto second floor for which the photographs are available in the office record and as such there was no merit in any of the replies given by the appellants and same were rightly rejected.
4. I have perused the record. The respondent booked the unauthorized construction in the shape of ground and first floor vide show cause notice dated 13.02.2024 which was pasted on 15.02.2024. The appellants gave reply to the show cause notice on 19.02.2024 on which date the demolition order was passed. The show cause notice gave three days time for reply which shall start from the date of service and not the date of notice. Pasting was done on 15.02.2024 which was Thursday. Sixteenth February was Friday and next two days were holidays for the respondent and the reply was given on the third day which was 19.02.2024. The office record of the respondent show that there is noting on 19.02.2024 which acknowledges the receipt of reply but states that it is not satisfactory. The reasons thereof are not recorded. However, the demolition order states that no reply has been received.
5. Coming to the second demolition order. The show cause notice is dated 20.03.2024 which was served through pasting on 22.03.2024. The appellant replied the same on 27.03.2024 and the demolition order is of 01.04.2024. In this case also the noting dated 01.04.2024 records that reply is not satisfactory whereas the demolition order states that no reply has been received.

6. Not only that the demolition orders are silent in respect of the replies received in time, the office noting that the replies are not satisfactory, is also not sustainable as no speaking order was passed.
7. Though, it is claimed for the respondent that there are photographs in the office record reflecting fresh ongoing construction, the same cannot be a reason to pass non-speaking order.
8. Admittedly, the appellant gave reply to the show cause notice and in the impugned demolition order it was mentioned that the reply is unsatisfactory. The same does not disclose the grounds or the reasons on which the reply was found unsatisfactory. 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. The judgment of the Hon'ble Delh High Court passed in the case of **Jaspal Singh Jolly Vs MCD 125 (2005) DLT 592** held that the impugned order saying reply was unsatisfactory is bad in law and is liable to be quashed.
9. In view of the same though the demolition orders dated 19.02.2024 and 01.04.2024 are set-aside with directions to the respondent to pass fresh speaking order after considering the replies dated 19.02.2024 and 27.03.2024 submitted by the appellant and after giving personal hearing to the appellant. The appellant shall appear before the Quasi Judicial Authority on **28.10.2026 at 2.00 pm** and the speaking order be passed within 6 weeks of conclusion of the hearing.
10. 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 01.10.2026**

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