

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

APPEAL NO. 407/ATMCD/2024
APPEAL NO. 408/ATMCD/2024

Raju Chaudhary
S/o Late Shri Lekh Raj
R/o 219, Near Liquor Shop
Main Road, Village,
Khichri Pur, Delhi-110091.

..... Appellant

Versus

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

..... Respondent

Date of Filing of Appeal : 04.06.2024
Date of Judgment : 05.10.2026

JUDGMENT

1. Vide this order I will dispose of the application seeking condonation of delay in filing these two appeals.
2. The appellant has challenged the demolition order dated 02.12.2016 in appeal no. 407/24 and sealing order dated 27.12.2016 in appeal no. 408/24 passed in respect of property bearing H.No. 219, part of Khasra No. 585/202/2/2, Khichri Pur, Delhi-110091. Both the appeals were filed on 04.06.2024 after a delay of about 8 years.
3. The appellant has sought condonation of delay on the ground that the appellant came to know about the impugned orders only on 20.05.2024 when the MCD file was inspected and when the impugned orders were received under RTI on 27.05.2024 and the limitation has to be calculated from the date of knowledge which was 20.05.2024 and therefore the delay should be condoned.
4. Ld counsel for the respondent on the other hand has stated that the respondent took multiple sealing actions against the property on 10.10.2017, 03.11.2017,

20.11.2017, 15.12.2023 and on 28.12.2023 and the appellant had knowledge of the impugned orders as well as the sealing actions since then and the limitation shall start when the first sealing action was taken on 10.10.2017 and since there is no explanation from the date of knowledge, the applications should be dismissed.

5. I have perused the record. The impugned demolition order and the show cause notices were sent through speed post at the correct address and are presumed to be served under Section 27 of the General Clauses Act.

6. Further, the sealing actions were taken since 10.10.2017 till 28.12.2023 and it cannot be believed that the appellant had no knowledge of these sealing actions being the owner of the property. The appellant is required to explain delay from the date of first sealing action even if it is presumed that the demolition order sent through speed post at correct address was not received. No prudent person shall sit silently once his property is sealed not once but five times since 10.10.2017. The appellant has failed to give plausible explanation of delay since 10.10.2017 and since the demolition order was sent at correct address and the delay is inordinate and cannot be condoned.

7. Reliance in this regard can be placed on the judgment of the Hon'ble Supreme Court of India passed in **P.K. Ramchandran Vs. State of Kerala & Ors. 1997 (7) SCC 556**.

8. In view of the same, the applications seeking condonation of delay are dismissed and as a result the appeals are also dismissed.

9. Records 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 05.10.2026**

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