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

APPEAL NO. 22/ATMCD/22

1. Ms. Shashi Bala
W/o Sh. Jai Bhagwan,
2. Sh. Puneet Jain
S/o Sh. Bhagwan Jain

Both residents of
H.No. D-14/121-122, Sector-8,
Rohini, North-West, Delhi …….. Appellants

Vs

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

Date of Filing of Appeal : 18.01.2022
Date of Order : 23.10.2026

ORDER

1. This is an appeal challenging the demolition order dated 28.07.2025 passed in respect of unauthorized construction in part portion at ground to third floor in property no. 81, Main Road, Chandani Chowk, Delhi-110006.
2. The brief facts necessary for disposal of this appeal are that the appellants who are mother and son purchased property bearing no. 74-75, Gali Khazanchi, Dariba Kalan, Chandani Chowk and property no. 81-82, Main Chandani Chowk, Delhi-110006 through five sale deeds executed between 18.09.2018 to 29.11.2019. Both the properties i.e. 74-75 and 81-82 are adjoining to each other having their fronts in difference directions towards Gali Khazanchi and towards main road, Chandani Chowk. The respondent

booked the unauthorized construction vide show cause notice dated 10.12.2020 which was duly replied by one Mr. Monish Sharma and after giving personal hearing to him, the impugned demolition order was passed.

3. The appellants have challenged this demolition order primarily on the ground that Mr. Monish Sharma had no concerned with the appellants nor with the subject properties. They were never served with the show cause notice nor were given any opportunity to present their case before the Quasi Judicial Authority and therefore the impugned order is liable to be set-aside. It was argued for the appellants that they got the properties mutated in their names in property tax record immediately after purchasing the property yet the show cause notice was issued in the name of owner/builder and otherwise was not served upon the appellants and therefore the impugned order should be set-aside. Ld counsel for the appellants in support of his arguments has relied upon the judgments passed by Hon'ble High Court in the case title as Dr. (Ms.) R.A. Bhujwala Vs. MCD 1996 RLR 320 and Jaishree Oza Vs. Rakesh Mohan & Ors.1998 Municipalities and Corporation cases 63.
4. Ld counsel for the respondent/MCD on the other hand argued that Mr. Monish Sharma not only gave reply to the show cause notice but also submitted the sale deeds executed in favour of the appellants and was representing appellants only and therefore the appellants were duly represented before Quasi Judicial Authority by Mr. Monish Sharma and principles of natural justice were duly followed and the appeal is without merits and liable to be dismissed.
5. I have perused the record. The show cause notice dated 10.12.2020 was sent through post and was delivered on 24.12.2020 being posted on 19.12.2020. Though it was issued in the name of owner/builder but was duly delivered. The address mentioned on the show cause notice was the correct address of the appellants i.e. property no. 81, Main Raod Chandani Chowk, Delhi. There was no reason for the postal authority to serve the show cause notice upon Mr. Monish Sharma who was not the addressee. The show cause notice was duly delivered to the appellants only as they claimed to be the owner of the

property since 2018-2019. Further, Mr. Monish Sharma claimed in the reply that he is a owner/builder of the property and as such he was building the property for and on behalf of the appellants. He also submitted the title documents of the appellants which he could have possessed only through the appellants and not otherwise. The story put by the appellants that they have no concern with Mr. Monish Sharma is contrary to record and they themselves handed over the title documents to the Mr. Monish Sharma who further submitted the same before Quasi Judicial Authority. The judgments relied upon by the appellants are not applicable to the facts of this appeal as they were duly served and replied through Mr. Monish Sharma.

6. Coming to the merits of the appeal. The sale deeds executed in the favour of the appellants show that the property was built up only upto second floor at the time of purchase in 2018-2019 whereas as on today the property exist upto third floor. Further, the electricity bill relied by the appellants show that there was a domestic connection at first floor in 2021 whereas as on date the entire property is a commercial property without any dwelling units having hall and shops at ground, mezzanine, first, second and third floor. The appellants also constructed a mezzanine floor. Further, there are photographs in the MCD record showing fresh unauthorized construction being raised in the property at the time of booking.
7. The appellants raised fresh construction after demolishing the old structure which had dwelling units. The same was done without sanctioned building plan and obliviously after purchasing the property in 2018-2019.
8. In view of the above discussions, the appeal is without merits and the same is dismissed.
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 23.10.2026

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