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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1158/2015 & CM 2045/2015**

HARDAYAL SINGH

..... Petitioner

Through Ms Naina Walia, Advocate.

versus

COMMISSIONER OF POLICE & ORS.

..... Respondents

Through: Mr Amit Singh with Ms Neelam,
Advocates for R-1 & 2 (Police)
Mr Anchit Sharma, Mr Tarveen Singh
Nanda, Mr Rahul Singhal and Ms
Diksha Lal, Advocates for R-3/Delhi
Cantonment Board with Mr N. K.
Singhal, Junior Engineer.
Inspt. Suresh Kumar, SHO/Delhi
Cantt. with ASI Rajender Prasad, P.S.
Delhi Cantt.
Mr Shivang Rawat, Advocate for R4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.09.2017

1. The petitioner has filed the present petition, *inter alia*, complaining that illegal construction was being raised on the property adjacent to the one occupied by the petitioner. The writ petition does not disclose the address of the premises on which the alleged illegal construction was being raised. However, the petitioner states to be residing at V-6/B, Old Nangal Village, Delhi Cantt.
2. The present petition was moved on 09.02.2015 and on the next date of

hearing - that is, 24.02.2015 - this Court directed the Delhi Cantonment Board (hereafter 'DCB') to file a status report as to action, if any, taken in the matter. In compliance with the said order, a status report was filed by the DCB which clearly indicated that unauthorised construction had been carried out on the property as well as the adjoining property. It was also stated that on discovery of unauthorized construction, certain action had been issued which included issuance of notices under Section 239(2) and 239(4) of the Cantonment Act, 2006 (hereafter 'the Act').

3. In view of the above report, this Court directed that *status quo* be maintained with regard to the properties in question.

4. By an order dated 15.09.2017, this Court once again directed DCB to file a status report as it was complained that despite a *status quo* order, construction was being raised. In compliance with the said order, a status report has been filed, which indicates that complaint under Section 247 of the Act, had been filed. One Sh Vijender Singh had pleaded guilty and had been imposed a fine of ₹ 1200/- in respect of two complaints and ₹1000/- in respect of one complaint.

5. The status report also indicates that the issue of unauthorized construction had been considered by the DCB and it was resolved, that the decision as to demolition of unauthorized construction in the area be deferred till the Model Building Bye-Laws, 2013 are notified.

6. In view of the above, no further orders are required to be passed in this petition. The same is, accordingly, disposed of.

VIBHU BAKHRU, J

SEPTEMBER 19, 2017/pkv