

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 9362/2014 & CM APPLs. 21167/2014, 3576/2015

MANISH SARPAL

..... Petitioner

Through Mr. Shekhar Nanavaty, Advocate

versus

DELHI CANTONMENT BOARD

..... Respondent

Through Mr. Anchit Sharma with Mr. Tarveen
Singh Nanda and Mr. Satamita
Ghosh, Advocates

WITH

+

W.P.(C) 9403/2014 & CM APPL. 21246/2014

ALEXENDER JOHN

..... Petitioner

Through Mr. Shekhar Nanavaty, Advocate

versus

DELHI CANTONMENT BOARD

..... Respondent

Through Mr. Anchit Sharma with Mr. Tarveen
Singh Nanda and Mr. Satamita
Ghosh, Advocates

AND

+

W.P.(C) 2928/2015 & CM APPLs. 5239-5240/2015

MANISH HANS

..... Petitioner

Through Mr. Shekhar Nanavaty, Advocate

versus

DELHI CANTONMENT BOARD

..... Respondent

Through Mr. Anchit Sharma with Mr. Tarveen
Singh Nanda and Mr. Satamita
Ghosh, Advocates.

%

Date of Decision: 23th March, 2017

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present batch of writ petitions has been filed challenging the sealing orders passed by the Delhi Cantonment Board on the ground that no appeal lies against the said orders.
2. As appeals challenging the demolition orders and compounding applications were filed by the petitioners on identical facts/allegations, this Court had directed prior disposal of the said appeals and compounding applications.
3. Vide orders dated 23rd February, 2017 the Lt. General, General Officer Commanding-in-Chief, Western Command, Appellate Authority has disposed of the said appeals filed by the petitioners. Since the operative portion of all the orders passed in appeals are common, the relevant portion of the order passed by the Appellate Authority in W.P.(C) 2928/2015 is reproduced hereinbelow:-

“13. In the present case, the Appellate undoubtedly carried out unauthorised construction in CB-219, Village Narain, Delhi Cantt without seeking permission from the Delhi Cantonment Board. Nevertheless, considering the case in its entirety and the fact

submitted by the Appellant in his contentions herein and before the Hon'ble High Court that he voluntarily undertakes to demolish the portion of demised premises which is beyond the construction limits as per FAR/set backs, etc. provided in the existing building bye-laws, I am of the considered opinion that the contention of Appellate be allowed partly to the extent that the portion of demised premises which is beyond the compoundable limits as per FAR / set backs, etc. provided in the building bye-laws notified by the Govt of India in Gazette Notification dated 08 June 2002 be demolished in the interest of justice and fairplay.

14. In view of the foregoing, I direct that the portion of the demised premises which is beyond the construction limits as per FAR / set backs, etc. provided in the existing building bye-laws notified by the Govt. of India in Gazette Notification dated 08 June 2002 be demolished in the interest of justice. At the same time no further construction be carried out by the Appellant in the demised premises in contravention to the provisions of Cantonment Act, 2006, building bye laws and policies on the subject."

4. None of the parties wish to challenge the orders passed by the Appellate Authority.
5. Accordingly, petitioners are directed to furnish the photocopies of the title deeds of the property in question within one week to the respondent-DCB.
6. Upon scrutiny of the title deeds, respondent-DCB is directed to demolish the portion of the demised premises which is beyond the construction limit as per FAR/set back etc. provided in the building bye-laws notified by the Government of India in Gazette Notification dated 8th June, 2002, within six weeks thereafter.
7. After the demolition has been carried out, the possession of the premises shall be handed back to the petitioners after removing the seal.
8. However, if after the demolition the property is unsafe for human

habitation, respondent-DCB is given liberty to take action in accordance with law.

9. Further, if the petitioners are aggrieved by the said action, they are given liberty to challenge the same in accordance with law.

10. With the aforesaid directions and observations, present writ petitions and applications are disposed of

MARCH 23, 2017
rn

MANMOHAN, J

