

23

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 3863/2017 & CM APPL. 16973/2017

CHANDRABHAN AHUJA

..... Petitioner

Through: Ms. Priyanka Sharma Goswami and
Ms. Sonam Sharma, Advocate.

versus

DELHI CANTONMENT BOARD AND ORS Respondents

Through: Mr. Anchit Sharma, Advocate with
Mr. Tarveen Singh Nanda, Advocate for
respondents No.1 and 3.
Mr. Shivam Chowdhry, Advocate for
respondent No.2.
Mr. Rakesh Kumar, Advocate for
respondents No.4 to 6.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

03.05.2017

After some arguments, learned counsel for petitioner confines her prayer to prayer (i), which reads as under:-

“(i) Issue an appropriate writ/order/direction in the nature of Mandamus and/or any other appropriate, writ, or direction directing Respondents No. 4, 5 and 6 to forthwith remove Respondent No.2 as a Member of the Delhi Cantonment Board as required by Section 34(1)(e) and 34(2) of the Cantonments Act, 2006.”

It has been averred in the petition that respondent No.2 is liable to be

removed from the Cantonment Board under Sections 34(1)(e) and 34(2) of the Cantonments Act, 2006 (for short 'Act, 2006').

Learned counsel for petitioner states that despite making a representation dated 22nd April, 2017 to the respondents No.1, 3 to 6 with regard to the aforesaid grievance, no action has been taken till date.

Having perused the papers, this Court is of the view that since Sections 34(1)(e) and 34(2) of the Act, 2006 vest power in Union of India to remove a member, the representation dated 22nd April, 2017 should be treated as a representation to respondent No.4 with regard to prayer (i).

Respondent No.4 or his authorised nominee is directed to decide the said representation in accordance with law after giving an opportunity of hearing to all the concerned parties.

This Court clarifies that it has not expressed any opinion on the merits of the controversy. Rights and contentions of all the parties are left open.

With the aforesaid direction, present writ petition and application stand disposed of.

MANMOHAN, J

MAY 03, 2017

js