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

+ W.P.(C) 14864/2022 & CM APPL. 45710/2022

HARDAYAL SINGH

.....Petitioner

Through: Ms. Udipti Chopra, Advocate.

versus

UOI & ORS.

.....Respondents

Through: Mr. Vikram Jetly, CGSC with Ms. Shreya Jetly, Advocate & Mr. Gokul, GP for R-1, 3, 4, 5, 6 & 8. [M:-9811157321]
Mr. Tarveen Sing Nanda, Standing Counsel for R-2/DCB.
Mr. Sharique Hussain, Advocate for R-9/BSES RPL.
Mr. Pawan Kumar Sharma, Advocate for R-10 & 12.
Mr. Anshuman, Advocate for R-11.
Mr. Jai Wadhwa, Advocate for R-11 & 12.
SI Jagat Singh, PS Delhi Cantt.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.11.2024

1. The petitioner has filed this writ petition, under Article 226 of the Constitution, for direction against Delhi Cantonment Board ["DCB"] to take action in respect of unauthorised construction in property bearing No. T-8, Old Nangal, Delhi Cantonment, New Delhi-110010 ["subject property"]. The construction has allegedly been erected by respondent



Nos. 10 to 12 herein.

2. It appears that during the pendency of this writ petition, the private respondents have approached the appellate authority under Section 340 of the Delhi Cantonment Act, 2006, by way of an appeal against the demolition orders. During the pendency of the appeal, they have been protected from coercive action by order of this Court dated 09.09.2024 in W.P.(C) 11371/2024, W.P.(C) 11542/2024, W.P.(C) 11545/2024 and W.P.(C) 12485/2024.

3. The present situation, therefore, is that DCB has taken action in respect of the unauthorised construction, but the subject property of the private respondents remains protected until disposal of the appeal.

4. In these circumstances, I am of the view that the rights of the parties would now be governed by orders passed in the appeal. The writ petition is, therefore, disposed of, alongwith the pending application, with the following directions:-

- a. The competent authority, which is in *seisin* of the appeal filed by the private respondents, against the notice of demolition dated 01.08.2024, is directed to consider the appeal as expeditiously as possible, and dispose of the same within a maximum period of twelve weeks from today.
- b. The writ petitioner will be entitled to apply to the appellate authority for intervention in the said appeal, and to raise all his contentions before the appellate authority.
- c. Until the appeals are decided, the Cantonment Board will maintain *status quo* with regard to the property which is the subject matter of the pending appeal.



- d. The private respondents will also maintain *status quo* as to title, possession, and construction on the said premises until the disposal of their appeal.
- e. In the event, the appeal fails, the Cantonment Board will act in terms of the demolition orders already issued, expeditiously, and the concerned police authorities will also provide police assistance in this regard.

5. Mr. Vikram Jetly, learned Central Government Standing Counsel, points out that there is typographical error in paragraph 5 of the order dated 06.08.2024 which records that DCB is to take action in respect of the petitioner and respondent Nos. 2 to 4, whereas the reference should be to the petitioner and respondent Nos. 10 to 12. The order dated 06.08.2024 is corrected accordingly.

PRATEEK JALAN, J

NOVEMBER 26, 2024

'pv/AD'/