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

+ W.P.(C) 6911/2015 & CM APPL. 12664/2015

KANTA KADYAN

.....Petitioner

Through: Mr. Shekhar Nanavaty, Advocate.

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Ms. Shiva Lakshmi, CGSC with
Mr. Rishabh Verma, Advocates for
R-1/UOI.
Mr. Ankur Mishra, Advocate for
DCB.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.11.2024

1. The petitioner has approached this Court under Article 226 of the Constitution against an order dated 29.08.2014 passed by the Director, Defence Estates, upholding notices issued by the Delhi Cantonment Board ["DCB"] with regard to the demolition of her immovable property [No. IV/1/71, Gopi Nath Bazar, Delhi Cantt-10].
2. During the pendency of the writ petition, by an order dated 24.08.2016, the petitioner was permitted to file an application for composition/regularisation of the construction, which was to be considered by DCB.
3. On 17.07.2018, a meeting of the Special Cantonment Board was



held at which the petitioner's request was considered. The composition/regularisation plan was, however, rejected on the ground of excess ground coverage. It was noted in the said order that all other parameters in her application were as per the existing building bye-laws except for excess ground coverage. It was further noted that upon removal of the excess ground coverage by demolition of the excess area, a fresh compounding application could be filed, which would be considered by the board.

4. Mr. Shekhar Nanavaty, learned counsel for the petitioner, has handed up a copy of the said minutes, which are taken on record. He states that the petitioner wishes to proceed in terms of the said resolution. She will make a fresh application to DCB for composition/regularisation, after removal of the excess ground coverage. Mr. Ankur Mishra, learned counsel for DCB, states that if such an application is made, it will be considered in accordance with law.

5. The writ petition is disposed of in terms of these submissions.

PRATEEK JALAN, J

NOVEMBER 18, 2024

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