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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9727/2017 & CM APPL. 39576/2017**
RAJBIR SINGHPetitioner

Through: Mr. S. S. Dahiya, Adv.

versus

DELHI CANTONMENT BOARD AND ANRRespondents
Through: Mr. Tarveen Singh Nanda, SC for
Delhi Cantonment Board.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
22.08.2024

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1. The petitioner in the instant petition seeks to challenge the notice issued under Section 320 of the Cantonment Act, 2006.
2. Learned counsel appearing for the petitioner submits that the petitioner does not have any ownership documents with respect to the property in question. He, however, submits that since there are various other unauthorized occupants who are similarly situated, therefore, the petitioner alone should not be singled out.
3. The Court has considered the aforesaid submission and the same is utterly unacceptable. If the petitioner seeks for issuance of the writ in the nature of mandamus, the petitioner has to establish vested rights in his favour. The impugned notice reads as under :-

"Notice Under Section 320 of The Cantonment's Act 2006

Whereas you have committed an offence by carrying out unauthorised construction in premises No. V-15, Village Old Nangal, Delhi Cantt without obtaining any sanction from competent authority.



Whereas for this offence, you were served with notice Sub-Section(1) of Section 185 of the Cantonments Act, 1924 (2 of 1924) vide letter NO. DCB/4/UC/RS/ VON dated 16.09.2002 for removing the following Construction.

Ground Floor:

(1) Hall: 3.15m x 7.40m

FIRST FLOOR:

- (i) Room 1: 3.00 x 2.95m
- (ii) Room 2: 3.00 x 2.95m
- (iii) Room 3: 2.58 x 3.32m
- (iv) Room 4: 2.58 x 3.32m

R.C.C. roof slab has been replaced with Agra Stone, brick wall after raising the height of brick wall on ground floor. On first floor, roof of Agra Stone T-iron has been laid on brick wall on existing ground floor. Plastering was in progress at the time of inspection on 26.03.2002.

FIRST FLOOR:

(1) W.C. 3 Nos x 0.80m x 1.00m

SECOND FLOOR:

- 1) Room 1: 3.00m x 2.95m
- ii) Room 2: 3.00m x 2.95m
- iii) Room 3: 2.58 x 3.32m
- (iv) Room 4: 2.58 x 3.32m

Agra stone roof slab have been laid on brick walls with T-iron on both floors. Brick work on G.F was in progress at the time of inspection on 08.04.2002.

Whereas you have failed to comply with the notice to remove the unauthorized construction.

Now, therefore, you are hereby given notice under section 320 of Cantonment's Act, 2006 to remove the unauthorized construction as mentioned in notice Sub-Section(1) of Section 185 of the Cantonments Act, 1924 (2 of 1924) served upon you vide this office letter No. DCB/4/UC/RS/VON dated 16.09.2002 within 30 days from the receipt of this notice, failing which the same shall be removed at your risk & cost, by this office and all expenses incurred on this will be recovered from you."



4. Except the ground that there are other similar structures, the petitioner is unable to point out as to why the Court in this writ petition, should cause any interference into the same.
5. The Court does not find any reason to interfere with the impugned show cause notice.
6. The petitioner, however, shall be at liberty to file a reply before the Cantonment Authority.
7. After considering the reply to be submitted by the petitioner, the said authority shall be entitled to take the matter to its logical end.
8. With the aforesaid observations, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 22, 2024/p