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

+ W.P.(C) 4367/2025 & CM APPL. 20143/2025, CM APPL. 20144/2025, CM APPL. 20145/2025

ANKUR SHINGHAL & ORS.Petitioners

Through: Mr. Shekhar Nanavaty, Advocate
(M:8851287157)

versus

DELHI CANTONMENT BOARD & ANR.Respondents

Through: Mr. Amit Tiwari, CGSC with Mr.
Tarveen Singh, Mr. Ankur Mishra,
Advocates for R-1 (M:9899703768)
Mr. Piyush Beriwal, Mr. Nikhil
Kumar Chaubey, Ms. Jyotsna Vyas,
Advocates for R-2 (M:9910396352)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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07.04.2025

1. The present writ petition has been filed by the petitioners, who are stated to be *bona fide* purchasers or legal heirs of purchasers/ or legal heirs of purchasers/ lessees of the lease rights, in land situated in *Survey no. 49/53, Sadar Bazar, Delhi Cantt., Delhi-110010*.
2. Learned counsel for the petitioners submits that the petitioners are seeking quashing of the letter dated 03rd March, 2025, wherein, it has been stated that respondent no. 1 has initiated the case of Survey no. 49/53, for determination of lease hold rights, and intends to send the same for obtaining necessary sanctions of respondent no. 2 department.
3. It is submitted that the said action of the respondents is arbitrary, and against all cannons of justice.
4. It is submitted that despite all compliances by the petitioners, the



impugned letter dated 03rd March, 2025, has been issued. It is submitted that in terms of Lease Deed under Schedule VIII, the lease period of the subject property has not expired yet, and is pending till the year 2035. Further, the respondent department has not initiated any action against the other leases, even after the expiry of the said terms, and despite there being flagrant violations.

5. It is further submitted that the respondents have *prima facie* failed to even consider the reply of the petitioners, before issuing the impugned letter dated 03rd March, 2025.

6. It is submitted that the petitioners apprehend that the respondent shall determine the lease of the petitioners, without affording them any personal hearing. They also apprehend that respondents would initiate eviction proceedings, without following the due process of law.

7. Issue notice. Notice is accepted by learned counsel for respondents.

8. Learned counsel appearing for respondent no.1- Delhi Cantonment Board, submits that the letter dated 03rd March, 2025, merely states that action has been commenced for the purposes of determination of the lease. He submits that no final decision, as such, has been taken. He further submits that due process of law shall be followed by the respondents, before passing any order, in that regard.

9. Considering the submissions made before this Court, it is directed that the petitioners shall be granted opportunity of hearing by the respondents.

10. Petitioners are at liberty to make a detailed representation before the respondents and also file requisite documents, in support of their case, within a period of two weeks, from today.

11. Upon such representation being filed by the petitioners, the respondents shall consider the reply and the documents filed by the



petitioners.

12. Upon grant of hearing to the petitioners, requisite orders shall be passed by the competent authority of the respondents.

13. In case the petitioners are aggrieved by any decision taken by the respondents, the petitioners are at liberty to seek their remedies, in accordance with law.

14. It is directed that during the period, when the representation of the petitioners, is still pending with the respondents, no coercive action shall be taken against the petitioners, before passing of the final order, in regard thereto.

15. It is further directed that after passing of the final order by the respondents, the same shall be duly communicated to the petitioners. After passing of the speaking order by the respondents, protection as granted by this Court, shall continue for a further period of four weeks.

16. However, it is clarified that in case the petitioners are aggrieved by the order passed by the respondents, and in case no challenge is laid thereto, within a period of four weeks after passing of the said order, the respondents shall be at liberty to take action, as per law.

17. It is clarified that this Court has not expressed any opinion on the merits of the case, which shall be decided by the competent authority, in accordance with law. Rights and contentions of all the parties, are kept open.

18. With the aforesaid directions, the present writ petition, along with pending applications, is disposed of.

MINI PUSHKARNA, J

APRIL 7, 2025/au