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

% **Date of Decision: 30.05.2025**

+ W.P.(C) 5989/2025 & CM APPL. 35523/2025, CM APPL. 35614/2025

SUDHIR SOOD & ANR.

.....Petitioners

Through: Mr. Anshuman with Mr. Piyush Ahluwalia, Advocates along with petitioners in person (M:9818571429)

versus

DELHI CANTONMENT BOARD & ORS.

.....Respondents

Through: Mr. Ankur Mishra, Mr. Tarveen Singh Nanda, Advocates for R-1 (M:9899703768)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL):

CM APPL. 35523/2025 & CM APPL. 35614/2025

1. CM APPL. 35523/2025, has been filed under Order VI Rule 17, read with Section 151 of Code of Civil Procedure, 1908 ("CPC"), on behalf of the petitioners, seeking amendment in the prayer to the effect of directing respondent no.1 to assign/ renew part of the lease property falling in the possession of the petitioners, and grant a subsidiary survey number, as has been done by the respondent no. 1 in past in other properties.
2. *Per contra*, CM APPL. 35614/2025, has been filed by respondent no. 1 for directions to modify the order dated 06th May, 2025, passed by this Court in the present petition.
3. Learned counsel for respondent no. 1/Delhi Cantonment Board has



handed over to this Court a copy of the order dated 07th April, 2025, passed by this Court in W.P.(C)4367/2025, titled as *Ankur Shinghal & Ors. Versus Delhi Cantonment Board & Anr.*

4. By referring to the aforesaid order, he submits that the Cantonment Board shall send the proposal to the competent authority, and it is for the competent authority, to take the final decision.

5. Learned counsel for respondent no. 1/Delhi Cantonment Board, submits that till the decision is taken by the competent authority, this Court may pass similar orders, as passed in W.P.(C) 4367/2025.

6. He further submits that the matter can be disposed of in the said terms.

7. Learned counsel for the petitioners submits that he has no objection if the aforesaid submission of respondent no. 1/ Delhi Cantonment Board, is accepted and that the petitioners are granted protection, till final decision is taken by the competent authority.

8. This Court notes that *vide* order dated 07th April, 2025, in W.P.(C) 4367/2025, this Court had passed the orders, in the following manner:

“xxx xxx xxx

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.”*
9. Considering the submissions made before this Court, and with the consent of the parties, the matter is taken up for final disposal. After hearing the parties, the following directions are made:
- I. Due process of law shall be followed by the respondents before passing any order with respect to the lease of the petitioners.
 - II. The petitioners shall be granted opportunity of hearing by the respondents.



III. 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.

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

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

VI. 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.

VII. 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.

VIII. 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.

IX. 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.

10. 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.

11. With the aforesaid directions, the present writ petition, along with



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pending applications, is disposed of.

12. The next date of hearing of 03rd September, 2025, stands cancelled.

MINI PUSHKARNA, J

MAY 30, 2025

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