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

+ **W.P.(C) 13018/2024 and CM APPL. 54247/2024**

SEEMA DEVI & ORS.Petitioners

Through: **Mr. Shekhar Nanavaty, Advocate.**

versus

DELHI CANTONMENT BOARDRespondent

Through: **Mr. Tarveen Singh Nanda, Standing
Counsel for Respondent/DCB.**

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
12.02.2025**

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1. This writ petition is preferred on behalf of Petitioners seeking the following reliefs:

“a. Direct the respondent to restrain from taking any action in respect of the subject property i.e. CB-97, Village Naraina, Delhi Cantt-11 0010, till the disposal of the appeal which is pending before the appellate forum, as the same would be against the principles of natural justice.

b. Direct the respondent to consider and dispose of the regularization applications/ representations in a Judicious and time bound manner with a humanitarian approach, in the interest of justice and fair play;

c. Restraining the respondent- department from dispossessing the petitioners from the subject property in pursuance to various Notices issued under section 248 and 340 Cantonment Act, 2006 till the disposal of the present petition.”

2. Case of the Petitioners as set out in the writ petition is that Sh. Tara Chand acquired the subject property bearing CB-97, Village Naraina, Delhi Cantt from Sh. Mukesh Tanwar on 20.07.2015. Delhi Cantonment Board ('Board') issued notices/orders under Section 248 of the Cantonment Act,



2006 ('2006 Act') against Sh. Mukesh Tanwar between 2016 to 2017. Petitioners purchased their respective portions in the subject property by way of separate sale deeds on different dates between October, 2017 to 2023 from Sh. Tara Chand or his successors-in-interest. During the life tenure of Sh. Tara Chand, no notice was received by the Petitioners from the Board. On 28.08.2024, demolition notice was issued by the Board under Section 320 of the 2006 Act directing the Petitioners to vacate the subject property and intimating that the same shall be demolished on 19.09.2024.

3. It is averred in the writ petition that on learning of the notices being issued by the Board, Petitioners immediately approached the Appellate Tribunal, i.e. GOC-in-C, Western Command and filed appeals against the notices/orders under Section 248 of the 2006 Act and also prayed for regularisation of the subject property, undertaking to pay the requisite fee, as directed. In this light, Petitioners pray that the Board be restrained from taking any coercive action in respect of the subject property till the disposal of the appeals pending before the Appellate Forum.

4. Learned counsel for the Petitioners submits that the Coordinate Bench of this Court in ***Chattar Singh v. Delhi Cantonment Board, W.P. (C) 11371/2024*** decided on 09.09.2024 and ***Ram Kishan and Ors v. Union of India and Ors. W.P. (C) 1564/2018*** decided on 14.10.2024, has directed the Competent Authority which is in *seisin* of the appeals to decide the appeals expeditiously and protected the Petitioners against any coercive action during the pendency of the appeals and similar order be passed in the present writ petition.

5. Learned counsel for the Board does not dispute the position with respect to the orders as referred to above, being passed by the Coordinate



Bench.

6. Accordingly, this writ petition is disposed of directing the Competent Authority in *seisin* of the appeals filed by the Petitioners to decide the pending appeals as expeditiously as possible, in accordance with law. It is further directed that the interim order granted by this Court on 17.09.2024 in favour of the Petitioners shall continue to operate till the decision in the appeals. All rights and contentions of the respective parties are left open to be raised before the Appellate Forum.

7. Pending application stands disposed of.

JYOTI SINGH, J

FEBRUARY 12, 2025

B.S. Rohella