



\$~44

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 599/2025, CM APPL. 60483/2025 & CM APPL. 60484/2025**

NARENDER KUMAR & ORS.Appellants

Through: Mr. Shekhar Nanavaty, Advocate.

versus

DELHI CANTONMENT BOARD & ORS.Respondents

Through: Mr. Pavan Narang, Senior Advocate
with Mr. Tarveen Singh Nanda, Mr.
Gurpreet Singh, Ms. Aishwarya
Chhabra and Mr. Ankur Mishra,
Advocates for Delhi Cantonment
Board.
Mr. Anuj Chaturvedi, Advocate for
DUSIB/R-3.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
23.09.2025

%

1. Heard the learned counsel for the parties.
2. This intra-Court appeal seeks exception to an order dated 18.09.2025 passed by learned Single Judge on CM APPL. 59394/2025 in W.P. (C) no.12926/2025 whereby a stay of operation of the notice/letter dated 11.09.2025 issued by respondent-Delhi Cantonment Board was sought.
3. We may notice that by the letter/notice dated 11.09.2025, the appellants have been informed that the demolition of the structure in terms of order dated 08.08.2025 shall be carried out today i.e. 23.09.2025. By instituting the proceedings of the writ petition before the learned Single Judge, the appellants



have challenged the order dated 08.08.2025 and in the meantime, since the notice dated 11.09.2025 for demolition was issued, the CM APPL. 59394/2025 was moved.

4. Learned counsel representing respondent-Delhi Cantonment Board has made certain submissions on the merits of the claim of the appellants by stating that the appellants are not entitled for rehabilitation under the scheme of rehabilitation and further that they are also not eligible for rehabilitation for the reason that some of the appellants are employed with the Delhi Cantonment Board and in respect of some of the appellants, their father/mother were former employees.

5. Learned counsel representing respondent no.3/DUSIB has stated that the Delhi Cantonment Board has identified a cluster, however as to whether the *jhuggies* where the appellants are presently residing form part of the said JJ cluster or not, is an issue which needs to be decided.

6. Learned Single Judge while passing the order under challenge herein has given three reasons for rejecting the application seeking grant of stay on demolition. The first reason assigned by the learned Single Judge is that the appellants have failed to show any order of attachment of their *jhuggies* to any JJ *Basti* in terms of the proviso of Section 2(g) of the Delhi Urban Shelter Improvement Board Act, 2010. The second reason assigned by the learned Single Judge for refusing grant of stay is that the appellants have not made full disclosure of the material facts and the third reason assigned is that the notices have neither been issued in the main writ petition, nor the applications for amendment and impleadment of DUSIB as party-respondent, have yet been allowed.

7. Learned Single Judge goes on to state in the order under challenge that the letter/notice of demolition dated 11.09.2025 was though admittedly received by the appellants on 12.09.2025, however the said fact was not



disclosed by them at the time when the two applications were listed earlier before the Court.

8. Considering the fact that since the issue as to whether the *jhuggies*, where the appellants are allegedly residing, may be attached with any JJ cluster or not needs to be decided by the learned Single Judge or by the DUSIB and also taking into account the fact that the learned counsel for DUSIB has stated that there does exist a JJ cluster in the nearby area, we are of the opinion that the application made by the appellants seeking stay of the letter/order dated 11.09.2025 needs to be reconsidered. We have been informed that next date fixed in the main matter before the learned Single Judge is 16.10.2025.

9. Having regard to the overall facts and circumstances of the case, the instant appeal is disposed of with the following observations:-

- (1) The learned Single Judge is requested to prepone the date of the proceedings of the writ petition and preferably fix it for day after tomorrow i.e. 25.09.2025.
- (2) The learned Single Judge is also requested to dispose of the application seeking amendment of the writ petition as well as the application seeking impleadment of DUSIB.
- (3) We also request the learned Single Judge to reconsider the prayer made by the appellants seeking stay of the letter/notice of demolition dated 11.09.2025 having regard to the facts of the case.

10. It will be open to the learned counsel for the parties to put forth their respective cases before the learned Single Judge which the learned Single Judge is expected to consider.

11. We expect that the learned counsel for the parties shall be prepared to argue the matter before the learned Single Judge whenever the matter is fixed.

12. We make it clear that any observation made by us in this order shall not



be construed as our expression as to the merits of the claim of the respective parties.

13. Pending applications also stand disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

SEPTEMBER 23, 2025

kct