



**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-18699-2010 (O&M)
Date of Decision: 16.03.2026**

DIOCESE of Jalandhar

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amit Jain, Senior Advocate with
Mr. Aryaman Thakur, Advocate
for the petitioner.

Mr. Lalit Attri, Advocate
for the respondent-UOI (Through V.C.).

Mr. G.N. Malik, Advocate
for respondent No.4.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking issuance of an appropriate writ in the nature of mandamus or such other order or direction declaring demolition of boundary wall constructed by it as illegal. It is further seeking setting aside of order dated 30.07.2010 (Annexure P-9) and 03.08.2010 (Annexure P-9).

2. Learned counsel representing the petitioner submits that petitioner is lessee of Punjab Wakf Board. It constructed outer boundary wall for the better utilization of the leased property. The respondent without notice and in violation of Section 185 of Cantonments Act, 2006 has demolished its wall.

3. Learned counsel representing respondent No.4 submits that petitioner is its lessee, however, lease has expired. The petitioner may seek extension/renewal of the lease period.

4. Learned counsel representing the respondent-UOI submits that lease deed has ceased to exist, thus, petitioner is no more lessee. Wakf Board was given right to use property in question, however, petitioner cannot carry out construction without prior approval of the Cantonment Board Authorities.

5. Heard the arguments and perused the record.

6. From the perusal of record and arguments of both sides, it is evident that there is notification issued by Union of India whereby property in question has been declared as Wakf Property. The dispute is not whether Wakf Board is owner of the property or not. The dispute is confined to the fact whether petitioner could raise wall or not. The petitioner is claiming that being lessee, it was entitled to construct the outer wall. The respondent has already demolished the wall, thus, question remains whether petitioner can reconstruct the wall or not.

7. As per respondent No.4 as well as Union of India, the lease of the property has already expired. The petitioner may approach Competent Authority to get renewed/extended lease period. The petitioner is claiming that it is in the possession of land in question. The respondents have not led any evidence contrary to said averment. The petitioner may further approach Competent Authority for reconstruction of wall. It is relying upon Section 185 of Cantonments Act, 2006 which permits Board to stop erection or re-erection of building in the cantonment area. The wall in question has already been demolished, thus,

it is appropriate for the petitioner to approach Authorities seeking permission to reconstruct the wall around the leased property.

8. In the backdrop, the petition stands ***disposed of*** with liberty to petitioner to approach Authorities for reconstruction of wall. The Court has not expressed any opinion with respect to ownership of the land in question. The respondent-Cantonment Authorities shall decide petitioner’s application within six weeks from the date of filing.
9. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

16.03.2026

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No