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

% **Date of Decision: 15.09.2025**

+ W.P.(C) 9297/2025 & CM APPL. 39330/2025

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.....Petitioner

Through: Mr. Mahipal Singh Rajput and Mr.  
Yogendra Tripathi, Advocates

versus

DELHI CANTONMENT BOARD THROUGH ITS CHIEF  
EXECUTIVE OFFICER & ORS.

.....Respondents

Through: Mr. Gurpreet Singh and Mr. Nitish  
Dham, Advocates for R-1 (through  
VC)

Ms. Avshreya Pratap Singh Rudy,  
CGSC with Ms. Usha Jamnal, Ms.  
Harshita Chaturvedi and Mr.  
Mohammad Junaid, Advocates for R-  
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**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J. (ORAL)**

1. The present writ petition has been filed seeking directions to respondent nos. 1 and 2, to take action against the unauthorized construction carried out by respondent no. 3, without any sanction/permission from Delhi Cantonment Board ("DCB"), in the property bearing no. 6/99, *Gurjar Dairy, Village Jharera, Delhi Cantt, Delhi-110010*.

2. Learned counsel appearing for respondent no. 1-DCB submits that the respondent no. 3 herein had filed a writ petition before this Court, being



W.P.(C) 11927/2025, which has been disposed of *vide* order dated 08<sup>th</sup> August, 2025, wherein, this Court had categorically noted that no coercive action shall be taken against respondent no. 3 herein, during the pendency of the appeal, filed by respondent no. 3 before the Competent Authority of the DCB.

3. Having heard learned counsels for the parties, this Court notes that *vide* order dated 08<sup>th</sup> August, 2025, in W.P.(C) 11927/2025, it has been directed as follows:

*"1. The present writ petition has been filed since the petitioner is aggrieved by the notices under Section 320 of the Cantonments Act, 2006 ("the Act") dated 16<sup>th</sup> July, 2025 and 17<sup>th</sup> July, 2025 and demolition orders dated 22<sup>nd</sup> May, 2025, 29<sup>th</sup> May, 2025, 14<sup>th</sup> July, 2025 and 15<sup>th</sup> July, 2025 under Section 248 of the Act issued by respondent no.1*

*2. Learned counsel appearing for the petitioner submits that the property in question is an old structure, on account of which, the same was in need of maintenance and repair work. Therefore, vide letter dated 18<sup>th</sup> February, 2025, the petitioner had apprised the respondent-Board regarding the necessary repair work which the petitioner intended to do.*

*3. It is submitted that upon further follow up, the petitioner was orally told he could carry out the work, however, the officials suggested that no written permission was required for the same.*

*4. It is submitted that thereafter, the petitioner started the repair work. However, numerous complaints were filed by the neighbors of the petitioner, on account of personal animosity. Thus, it is submitted that pursuant thereto, the impugned orders have been passed.*

*5. Learned counsel appearing for the petitioner submits that the petitioner preferred an appeal under Section 340 of the Act against the aforesaid demolition orders. However, till date, no hearing has been fixed by the Appellate Forum for hearing the matter.*

*6. It is further submitted that the petitioner herein has also prayed for considering his case for compounding/regularization, which is specifically mentioned in Section 248 of the Act.*

*7. It is submitted that the petitioner has not been provided a fair opportunity by the respondents with respect to grant of any hearing.*

*8. It is submitted that under Section 345 of the Act, the petitioner has*



*the right to be heard, however, the respondent no. 1 by issuing the notices/demotion orders, is depriving the petitioner of the said right.*

*9. It is submitted that the property in question bears No. 6/99, Dairy Area, Village Jharera, Delhi Cantt-110010. Thus, the present writ petition has been filed.*

*10. Learned counsel appearing for the petitioner relies upon an order dated 12th February, 2025 passed in W.P.(C) 13018/2024, titled as "Seema Devi & Ors. Versus Delhi Cantonment Board", to submit that in similar circumstances, protection was granted to the petitioners therein during the pendency of their appeal before the Appellate Authority, Cantonment Board.*

*11. Issue notice. Notice is accepted by learned counsels appearing for the respondents.*

*12. Learned counsel appearing for Delhi Cantonment Board submits that in case of any order being passed in favour of the petitioner, directions ought to be issued to the petitioner to maintain status quo, as regards title and nature of construction.*

*13. It is to be noted that this Court vide aforesaid order dated 12th February, 2025, passed in W.P.(C) 13018/2024, had directed as follows:*

*"xxx xxx xxx*

*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.*

*xxx xxx xxx*

*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.*

xxx xxx xxx”

*14. Accordingly, considering the submissions made before this Court, and considering the fact that the Competent Authority of the Cantonment Board is already seized of the matter, wherein, appeal has been filed by the petitioner, it is directed that no coercive action shall be taken against the petitioner, during the pendency of the appeal before the Competent Authority of the Cantonment Board.*

*15. It is further directed that petitioner shall maintain the status quo as regards the title and nature of construction, in the meanwhile.*

*16. With the aforesaid directions, the present petition, along with the pending applications, stand disposed of.”*

4. Accordingly, this Court notes that an appeal has already been filed by respondent no. 3 before the Competent Authority of DCB. Further, this Court *vide* the aforesaid order dated 08<sup>th</sup> August, 2025, has already directed that no coercive action shall be taken against the respondent no. 3, during the pendency of the appeal before the Competent Authority of the DCB.

5. Accordingly, it is directed that requisite action shall be taken by the DCB against the property in question, subject to outcome of the appeal filed before the Competent Authority of the DCB.

6. Noting the aforesaid, the present writ petition, along with the pending application, is disposed of.

**MINI PUSHKARNA, J**

**SEPTEMBER 15, 2025**

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