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

+ **W.P.(C) 16475/2022**

SHAKUNTLA & ANR.

..... Petitioners

Through: Mr. Sanjoy Ghose, Sr. Advocate with
Mr. Anshuman, Advocate.

versus

DELHI CANTONMENT BOARD

..... Respondent

Through: Mr. Ankur Mishra, Advocate
(Through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **30.11.2022**

CM APPL. 51724/2022 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

W.P.(C) 16475/2022 & CM APPL. 51725/2022

1. By way of the present petition filed under Article 226 of the Constitution of India, petitioner No.1 who claims that her late husband *Sh. Bhagwan Dass* was allotted CFP No. 1/106 vide allotment letter dated 26.02.1976 is aggrieved by the issuance of an eviction notice dated 07.06.2022 by the respondent/Delhi Cantonment Board.
2. During the course of submissions, Mr. Sanjoy Ghose, learned Senior Counsel has referred to the orders dated 29.03.2011 and 12.07.2013 passed by this Court in W.P.(C) 3179/2003 whereby the respondents were asked to consider the petitioner's representation in the light of its Resolution of 1968.



Reference is also made to the order dated 13.03.2015 passed in W.P.(C) 3179/2003 whereby the petitioner was granted liberty to file representation before the respondent, which was directed to be considered and disposed of by way of a speaking order. Learned Senior Counsel submits that despite fresh representation being addressed on 26.03.2015 to the respondent, no speaking order has been passed till date and rather vide Resolution dated 28.09.2021, it has been stated that all representations stand considered and disposed of. It is submitted that the said resolution has not considered the representation in right earnest inasmuch it does not discuss the Resolution of 1968. Learned Senior Counsel has also drawn attention of the Court to various resolutions of the respondent, including Resolutions dated 13.10.1966 and 20.01.1989 as well as the Report of Sub-Committee dated 22.04.1991.

3. Learned Senior Counsel, on instructions, submits that after issuance of the impugned eviction notice, another notice dated 28.11.2022 has been served on the petitioners, *inter alia*, directing them to vacate the premises by 08.12.2022. He, on instructions, further submits that a copy of the said notice would be placed on record.

4. Issue notice.

5. Mr. Ankur Mishra, learned counsel accepts notice on behalf of the respondent and has disputed the submissions made on behalf of the petitioners. He submits that in the Minutes of the Meeting dated 29.08.2013, it has been mentioned that a distinction had been made between the allottees who were allotted Cantonment Fund Staff (CPF) property prior to 1961 and thereafter. He seeks some time to file counter-affidavit.

6. Re-notify on 16.05.2023.



7. Till the next date of hearing, no coercive action be taken in pursuance of the impugned eviction notice as well as the subsequent notice dated 28.11.2022.

NOVEMBER 30, 2022/v

MANOJ KUMAR OHRI, J