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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13258/2025, CM APPL. 54404/2025 & CM APPL.
54405/2025

RAJINDER SINGH KAPOORPetitioner

Through: Mr. Shekhar N., Adv.
Mob: 8851287157

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Amit Tiwari, CGSC with Ms.
Ayushi Srivastava, Mr. Ayush
Tanwar, Mr. Arpan Narwal, Advs. for
R-1
Mob: 9990980316
Email: kushagramalik5@gmail.com
Mr. Ankur Mishra, Advocate for R-2.
(through VC)
Mr. Rishi Sehgal, Advocate for
private respondents. (through VC)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **29.08.2025**

CM APPL. 54405/2025 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 13258/2025 & CM APPL. 54404/2025

3. The present writ petition has been filed seeking setting aside of the order dated 08th August, 2025 passed by the Director, Defence Estates,



Western Command, Chandigarh in an appeal under Section 340 of the Cantonment Acts, 2006, titled as *“Rajinder Singh Kapoor Versus Chief Executive Engineer, Cantonment Board Delhi”*.

4. Learned counsel appearing for the petitioner submits that by way of the impugned order, an application filed by the respondent no. 3 herein for impleadment in the appeal filed by the petitioner herein under the Cantonments Act, 2006, has been allowed and respondent no. 3 has been impleaded as an ‘intervenor’ in the said appeal.

5. He submits that the impugned order is totally erroneous and relies upon the order dated 02nd January, 2015 in the case of *‘Major K.A. Mathew (Retd.) Versus Sri S. Ramesh and Others’*, 2015 SCC OnLine Kar 244, and relies upon Paras 4 and 7 of the said judgment, which read as under:

“xxx xxx xxx

4. Petitioner's counsel submits that it is at the instance of the petitioner and on the complaint made by him that the respondent B.B.M.P. initiated steps and passed an order under sub-section (3) of Section 321 of the Act with regard to demolition of a portion of the building put up by respondent no. 1 which is in violation of the building byelaws and other provisions of the Act and Rules made therein. That order has not been given effect to on account of the stay granted by the Tribunal. He would submit that respondent-B.B.M.P has been slack in not proceeding with the matter before the Tribunal and therefore petitioner intends to implead himself in the appellate proceedings, so that the order of the B.B.M.P is given effect to. Such impleadment is not permissible in law, as the lis is essentially between the first respondent and the second respondent-B.B.M.P. It is against the second respondent's order that the first respondent has preferred an appeal. The Tribunal would have to adjudicate the correctness or otherwise of the order passed by the respondent-B.B.M.P. The petitioner herein though may be original complainant, at this stage cannot implead himself in the proceeding.

xxx xxx xxx

7. So far as the apprehension of the petitioner that the Respondent-BBMP would not place all the facts before the Tribunal, it is needless to observe that the said Respondent has a duty to place



all the relevant records and facts before the Tribunal, if it is interested in assisting the Tribunal in upholding its orders passed under Section 321 of the Act. The main apprehension of the petitioner that such a thing would not be done by the Respondent-BBMP cannot be a reason to permit the petitioners to implead themselves in the appeal pending before the Appellate Tribunal. Therefore, the Tribunal was justified in dismissing the application for impleadment. The impugned order does not call for any interference in this writ petition.

xxx xxx xxx”

6. Learned counsel appearing for the petitioner further submits that the matter is listed for final arguments before the Appellate Authority on 5th September, 2025.
7. Issue notice. Notice is accepted by learned counsels appearing for the respondents.
8. Let reply be filed within a period of four weeks.
9. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.
10. Considering the submissions made before this Court, it is directed that the Appellate Authority where the appeal of the petitioner herein is pending, shall give the next date of hearing beyond the date given by this Court.
11. Re-notify on 18th November, 2025.

MINI PUSHKARNA, J

AUGUST 29, 2025

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