## Jitender Singh Panesar & Ors vs Delhi Cantonement Board & Ors on 3 June, 2021

**Author: Sanjeev Sachdeva** 

**Bench: Sanjeev Sachdeva** 

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 5762/2021

JITENDER SINGH PANESAR & ORS.

Through: Mr. Ishan Jain, Advo

versus

DELHI CANTONEMENT BOARD & ORS.

Through: Mr. Tarveen Singh Nan for R-1. Mr. Jitesh Vikram S

for R-2 & 3.

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CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA ORDER

% 03.06.2021 CM APPL. 18087/2021 (for exemption to file notor ized affidavits and r equisite Court fees) Exempted, subject to filing notarized affidavits and requisite Court fees within one week of the lockdown being opened.

W.P.(C) 5762/2021 & CM APPL.18086/2021

- 1. The hearing was conducted through video conferencing.
- 2. Petitioner impugns demand notice dated 06.04.2021 and also seeks quashing of letter dated 10.03.2017 pertaining to renewal of leases.
- 3. The predecessor of the petitioner was granted a lease in 1928 which was further renewed for a period of 30 years in the year 1964 Digitally Signed Digitally Signed By:KUNAL SACHDEVA MAGGU Signing Date:03.06.2021 Signing Date:03.06.2021 20:04:28 19:28 This file is digitally signed by PS to HMJ Sanjeev Sachdeva.

effective from 1958 and thereafter for two further periods of 30 years each.

4. Learned counsel submits that the lease is like a perpetual lease and respondents have initiated action of seeking a substantial amount.

- 5. Learned counsel submits that the issue raised in the petition is identical to the issue raised in W.P(C) 7879/2017 titled Kaushal Jain & Ors. Vs. Delhi Cantonment Board and Ors in which by order dated 14.09.2017, while issuing notice, interim protection has been granted to the petitioner therein.
- 6. Issue notice. Notice is accepted by learned counsel appearing for respondent No.1 as also by counsel appearing for respondent Nos.2 & 3. Counter affidavit be filed.
- 7. Learned counsel appearing for respondent No.1 submits that in view of the medical emergency eight weeks time be granted to file the counter affidavit. Let the counter affidavit be filed within eight weeks. Rejoinder within four weeks.
- 8. List on 15.09.2021.
- 9. In the meantime, no coercive action shall be taken against the petitioner. However, petitioner shall continue to deposit the amounts towards rent/use and occupation charges as payable by them prior to 06.04.2021. Petitioner shall clear the entire arrears at the same rate within a period of four weeks.

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- 10. Learned counsel for respondent No.1 submits that perusal of petition shows that the property has changed hands since it was originally allotted and prays that petitioners be restrained from transferring the property or creating any third party right.
- 11. Accordingly, till the next date of hearing, petitioners shall maintain status quo with regard to the nature and title of the subject property.
- 12. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J JUNE 3, 2021 rk Digitally Signed Digitally Signed By: KUNAL SACHDEVA MAGGU Signing Date: 03.06.2021 Signing Date: 03.06.2021 20:04:28 19:28 This file is digitally signed by PS to HMJ Sanjeev Sachdeva.