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

+ W.P.(C) 6606/2012

BIJENDER KUMAR AND ANR Petitioners
Through: Mr. Narender Sharma, Adv.

versus

S.D.M. (SEEMAPURI) AND ORS Respondents
Through: Ms. Ferida Satarwala, Ms. Sunam
Kukrety, Advs. for R-1&2
Mr. Arun K. Sharma, Adv.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **17.10.2012**

CM No.17449/2012 (exemption)

Exemption allowed subject to all just exceptions.

W.P.(C) 6606/2012

1. This petition filed in public interest seeks cancellation of sale deed dated 25th October, 2010 bearing Registration No.4747 in Book No.I, Volume No.868 at Pages 25 to 32 executed by respondent No.8 Smt.Chander Kali in favour of respondents No.3 to 7 before Sub-Registrar

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IV-A, Shahdara, Delhi. Though the impression sought to be created in the writ petition is that under the garb of the said sale deed, forged and fabricated by respondents No.3 to 8, they are laying their hands on the Government land, but a minute reading of the writ petition discloses that the sale deed pertains to Khasra No.395 while it is the Khasra No.391 of village Saboli, Delhi which is stated to be belonging to the Government. Upon being confronted therewith, the counsel for the petitioner states that Khasra No.391 belonging to the Government is adjacent to Khasra No.395 with respect where to sale deed has been executed and the fear is that respondents No.3 to 7, by occupying Khasra No.395 on the basis of the said sale deed, would encroach upon the Government land in Khasra No.391 also.

2. Needless to state that the plea aforesaid is preposterous.

3. The counsel for the petitioner being fully conscious of the same has next contended that the land in Khasra No.395 subject matter of sale deed is described therein as situated in 'Lal Dora' while it is not so. On enquiry as to what difference would the same make, it is stated that land outside the Lal Dora is of much higher value and the respondents, by describing the land subject matter of sale deed as situated in Lal Dora, have undervalued the same and evaded payment of proper stamp duty.

4. We are unable to convince ourselves to entertain a petition in public interest on such pleas and directed against one transaction only. Moreover, the decision would entail disputed questions of fact. The petition is a clear

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case of abuse of the process of law and of public interest litigation and is dismissed with costs of Rs.10,000/-. The Registry is directed to ensure recovery of the costs from the petitioners. The costs upon realization be forwarded to the Delhi High Court Advocates Welfare Fund.



CHIEF JUSTICE



RAJIV SAHAI ENDLAW, J

OCTOBER 17, 2012
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