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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11514/2015 & CM APPLs. 30470-30471/2015

DILEEP KUMAR GUPTA

..... Petitioner

Through

Mr. Ashish Dixit with Mr. Sandeep
Chatterjee, Advocates

versus

B.S.E.S. YAMUNA POWER LIMITED AND ANR Respondents

Through

Mr. Deepak Kumar Vijay, Advocate
for R-1.

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Date of Decision : 23rd December, 2015**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****J U D G M E N T****MANMOHAN, J: (Oral)**

1. Present writ petition has been seeking a direction to respondent no.1 to provide an independent electricity connection to the petitioner on the ground that he is in settled possession. Since the petitioner in the present writ petition had referred to and relied upon a suit for declaration and possession being Suit No.257/2014, this Court had directed the petitioner to file a copy of the said plaint.

2. From a perusal of the paper book which now comprises the aforesaid plaint filed by the petitioner as well as a plaint filed by respondent no.2, it is apparent that there is a dispute with regard to ownership of the property in question, i.e., C-1/130 Lalita Park, Laxmi Nagar, Delhi-110092.

3. While it is the case of the petitioner that he purchased the property from one Mr. Puran Singh Kainth on the condition that money will be paid

in instalments, respondent no. 2 claims that he along with others has purchased the property in favour of a trust by means of a duly registered sale deed dated 20th November, 2014.

4. No title document or written agreement or registered document has been filed by the petitioner in support of his claim. It seems that while the respondent no.2 has filed a suit for possession against the petitioner which is pending, petitioner who had filed a civil suit for permanent injunction being CS No. 257/2014 before the East District Karkardooma Courts, has withdrawn the same to file a Section 6 suit under the Specific Relief Act, 1963. No such suit has been filed by the petitioner even though limitation for the same has expired. There is also no receipt of any payment made by the petitioner.

5. Consequently, this Court is of the view that the petitioner's claim to ownership to the property in question is untenable in law and contrary to facts. This Court is also of the opinion that as the petitioner has not approached this Court with clean hands, the petitioner cannot claim an electricity connection by way of a writ petition. Accordingly, the present writ petition and applications are dismissed.

6. However, if the petitioner claims that he is in settled possession and is entitled to electricity as a matter of legal right, he may file appropriate proceedings in accordance with law. But keeping in view his claim to ownership of the property, this Court is of the opinion that petitioner is not entitled to any relief by way of a high prerogative writ.

MANMOHAN, J

DECEMBER 23, 2015

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