

3

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 1241/2016

PARVEEN

..... Petitioner

Through: Mr. M. Hasibuddin, Advocate.

versus

THE STATE (NCT OF DELHI) AND ANR Respondents

Through: Mr. D. Verma, Advocate for respondent
No.2 with SI Pankaj Guliya, PS Jamia
Nagar, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

25.02.2016

Present writ petition has been filed seeking a direction to respondent No.2 not to interfere with the property of petitioner i.e. P-143/3, Gali No.2, near Bashir Masjid, Nafees Road, Batla House, Jamia Nagar, Okhla, New Delhi-110025.

It is stated in the petition that petitioner is a widow lady and in 1998 her late husband had purchased the aforesaid property in petitioner's name. It is also averred that after death of her husband, she moved to Meerut. It is stated that with passage of time, people started dumping garbage over her property and it was only in October 2015 when all the garbage was removed that she built a jhuggi and an electricity meter was installed.

In the petition, it has also been averred that on 26th January, 2016 petitioner along with her son were taken to the Police Station Jamia Nagar and they were made to stay there till late night without any reason.

Learned counsel for petitioner states that respondent No.2 explained to the petitioner that she had been called to remove her belongings from the said property and she would only be allowed to leave the police station if she agreed to give her signature or thumb impression on blank paper.

Learned counsel for petitioner states that respondent No.2 threatened the petitioner that her son would be implicated in terrorist activity, if she refused to give her signature on blank paper. He also states that under threat of respondent No.2, petitioner gave her signature on blank paper.

Learned counsel for petitioner states that on reaching home, she found that all her belongings had been thrown out and her jhuggi had been demolished.

Learned counsel for petitioner points out that petitioner made a representation dated 29th January, 2016 to the Police Commissioner regarding her grievance, but no action has been taken till date.

Learned counsel for respondent No.2, who appears on advance notice, states that on 26th January, 2016, the police intervened due to a PCR call regarding encroachment and altercation between individuals. He states that on 23rd February, 2016, the petitioner's son namely, Faizan Illahi shot at one Mr. Mohd. Abid. He states that the petitioner's son is now in judicial custody.

A perusal of the present writ petition shows that neither any ownership document nor any sanction plan has been filed by the petitioner.

The present writ petition also involves disputed questions of fact which cannot be adjudicated in a writ proceeding.

Further, this Court is of the view that petitioner has alternative effective remedies by way of a civil suit as well as by way of proceedings under Section 156(3) Cr.P.C.

Consequently, present writ petition is dismissed.

MANMOHAN, J

FEBRUARY 25, 2016

js