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

+ **W.P.(C) 4470/2012**

RAMAN PRABHAKAR Petitioner

Through: Ms. Shikha Sapra, Adv.

Versus

CENTRAL BANK OF INDIA AND ORS Respondents

Through: Ms. Reema Khorana, Adv. along with
Mr. Mukul Ram, Manager of R-1.
Mr. Satish Aggarwal, Adv. for DRI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **10.02.2016**

1. This order is in continuation of the earlier order dated 14th January, 2016.
2. The respondent no.1 Central Bank of India (CBI) has since filed a copy of the title deed (of property being the Second Floor of property No.5328/67, Rehgar Pura, Hardhian Singh Road, Karol Bagh, New Delhi, Block No.C, measuring about 150 sq. yds.) lying deposited with it and which is found to be in favour of the petitioner.
3. The same rules out the possibility of the petitioner having inherited the said property from his father.
4. The counsel for the petitioner states that she has also filed an additional affidavit to the said effect. Though the said additional affidavit is not on record but a copy thereof is handed over in the Court and is taken on record.
5. The counsel for the respondent no.4 Directorate of Revenue Intelligence (DRI) though has filed a counter affidavit but fairly admits that

no order of attachment of the said property has been passed. He has however in Court handed over the letter dated 28th January, 2016 of the respondent no.4 DRI to himself, enclosing therewith a copy of the letter dated 13th January, 2016 of the respondent no.1 CBI and contends that there is some confusion whether the title deed has already been returned by the respondent no.1 CBI to the petitioner; it is argued that from the said letters, it appears that they have been so handed over.

6. The counsel for the respondent no.1 CBI states that the original title deed is still with the respondent no.1 CBI and has been brought before the Court.

7. Since admittedly there is no order of attachment of the subject property, the respondent no.1 CBI cannot on the mere communication of the respondent no.4 DRI not to return the title deed to the petitioner, withhold the title deed. If the respondent no.4 DRI has any claim with respect to the property, it has to make the same in accordance with law which has not been done.

8. In these circumstances, the petition is allowed.

9. The original title deed brought by the respondent no.1 CBI and for return whereof this petition has been filed has in Court been handed over to the counsel for the petitioner.

10. The petition stands disposed of.

No costs.

RAJIV SAHAI ENDLAW, J.

FEBRUARY 10, 2016

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