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

+ W.P.(C) 4683/2016

HEMANT KUMAR

..... Petitioner

Through: Ms. Kawaljit Kochar, Ms. Vasundhra  
Singh and Mr. Shreyas Mehrotra and  
Ms. Vandana Gupta, Advs.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Chiranjiv Kumar and Mr.  
Dharam Deshna, Advs. for R-1.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

% **20.05.2016**

**CM No. 19540-41/2016**

Allowed, subject to all just exceptions.

Applications are disposed of.

**W.P. (C) 4683/2016**

Petitioner has prayed in this writ petition that respondent nos. 1 to 4 be directed to initiate appropriate proceedings against the respondent no. 5, to obtain vacant and peaceful possession of the flat bearing no. B-26, ONGC Housing Complex, Sector-39, NOIDA.

Respondent no. 5 and petitioner were married on 2<sup>nd</sup> March, 2014. Petitioner filed a petition under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955, which has resulted in a divorce of decree dated 13<sup>th</sup> April, 2016.

Petitioner is employee of respondent no.2. He was allotted a flat

bearing no. B-26, ONGC Housing Complex, Sector-39, NOIDA by the respondent no.2, where petitioner and respondent no. 5 had been living after the marriage. As per the petitioner, respondent no. 5 is still illegally occupying the flat though he has left the flat. Since possession of the flat has not been given by the petitioner to the respondent no.2, penal interest has been levied by the respondent no.2 for not vacating the flat. Petitioner has already filed a civil suit against the respondent no.5 in which respondent no. 2 has also been impleaded praying therein that respondent no. 5 be directed to hand over the possession of the flat to the respondent no.2.

Petitioner has already filed a civil suit seeking mandatory injunction against the respondent no. 5 to hand over the vacant possession to the respondent no. 2, inasmuch as, disputes between the private persons, that is, petitioner and respondent no.2 cannot be adjudicated in the writ jurisdiction. In the aforesaid facts, I am not inclined to entertain this writ petition and the same is dismissed. Miscellaneous application is disposed of as infructuous.

**A.K. PATHAK, J.**

**MAY 20, 2016**

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