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

+ **W.P.(CRL) 2724/2015**

SHANTI DEVI

..... Petitioner

Through: **Mr.B.S.Chowdhary & Ms.Chitra
Goswami, Advocates**

versus

THE STATE GOVT (NCT) OF DELHI & ORS

..... Respondents

Through: **Mr. R.S.Kundu, A.S.C. for the State
with Mr.Vishesh Wadhwa, Advocate**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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19.01.2016

1. By way of this writ petition filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., petitioner has made the following prayer:-

a) To issue an appropriate direction(s) and order in the nature of writ of mandamus to the respondent Nos.1 to 3 to restrain the respondent Nos.4 to 6 not to create any nuisance and hindrance against the petitioner as well as to protect the petitioner's life and limb at the hands of respondent Nos.4 to 6.

2. Status report has been filed by the State wherein it is reported as under:-

“During the course of the investigation, it came to notice that Smt.Shanti Devi has two sons namely Tirath Ram and Satya Narayan and one daughter Rama. All three are married. Her elder son namely Tirath Ram left the country and reportedly settled in Germany for more than 30 years. His wife Meena Kumari and two sons namely Sunil and Rajesh had already expired/passed away due to illnesses. Shanti Devi

found to be living with her younger son namely Satya Narayan at her ancestral permanent house i.e. H.No.-384/385, Julaha Basti, Village Burari, Delhi along with other family members since marriage. Photo Ids of Shanti Devi & her son Satya Narain found to be of same house were obtained & Shanti Devi is living with family members of her son regularly & peacefully as her photograph taken in investigation proves that.

As the plot in question measuring 120 sq.yards out of Khasra No.527/11 (0-2-8) in Lal Dora Village Burari is vacant piece of land bounded by wall of 2 ft in height. At spot no sign of jhuggi etc./debris/water supply/electricity/sanitation found there. However both parties are claiming their ownership over the plot in question but exact location need to be verified through Tehsildar/Kanungo of Revenue department.

Besides allegations of abuse & casteist remarks the claim of ownership over alleged plot & allegation of house trespass, mischief, threat etc. are being probed in detail.

Beat staff of P.S. Burari has been briefed on the safety aspects of the complainant and the complainant has been provided a mobile phone bearing number 9540901964 along with "MAY I HELP YOU" scheme card of Delhi Police with contact numbers of police officials in the case of any emergency or help."

3. Mr.B.S.Chowdhary, learned counsel for the petitioner has submitted that the petitioner, who is an old lady and present in person before this Court, has made various complaints to the police about the demolition of her jhuggi as well she being abused, threatened and humiliated by making casteist remarks. Despite that, no arrest of the offenders has been made. The petitioner wants the offenders to be arrested as she has no place to live and she is living in fear under the open sky.

4. On perusal of the status report which is prepared on the basis of factual verification of the facts and statement by Sh.Satya Narayan, son of the petitioner with whom she has been residing throughout, it appears that

the real dispute is about the Jhuggi. The petitioner is residing with her son in a house not in a Jhuggi or in open at a different place. In fact in the garb of the writ of mandamus the petitioner is trying to seek an injunction order restraining the respondents not to create any nuisance which is not substantiated by the material on record.

5. Another prayer made in the petition is to seek protection for life and limb of the petitioner. No instance of any attack on the life and limb of the petitioner has been complained to the police and even in the complaint referred to by learned counsel for the petitioner, which is Annexure P-1, the dispute referred is about the Jhuggi and casteist remarks.

6. Despite that assurance has been given on behalf of the State to provide protection as and when the situation warrants. To ensure easy accessibility in case of need, even the mobile number of the police official under the scheme 'MAY I HELP YOU', (mobile number is also mentioned in the status) is available to the petitioner to contact in case the necessity arises.

7. In view of the above no further direction is necessary in this writ petition and the same is hereby dismissed.

PRATIBHA RANI, J.

JANUARY 19, 2016

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