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

+ W.P.(CRL) 803/2017

GORDON HIGHLANDERS CEMETRARY

MAINTENANCE SOCIETY Petitioner

Through Mr.M.Padhi, Adv.

versus

COMMISSIONER OF POLICE & ORS Respondents

Through Mr.Rahul Mehra, Standing counsel
with Mr.Jamal Akhtar, Adv.
Insp.Ajay Sharma, SHO SI Manoj
Kumar PS Mahindra Park.
Mr.Sanjeev Bhandari, SPP with
Mr.Manoj Bhandari, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **16.08.2017**

This matter has been taken up today as 14.08.2017 was declared a holiday on account of Janmashtami.

The present writ petition has been filed seeking a direction to the respondent nos.1 & 2 to register FIR against respondent nos.3 to 6 and initiate investigation against them for having fraudulently sold the cemetery (graveyard) land situated at Khasra No.669/204 measuring 4.14 bighas at Village Sarai Pipal Thala in Fruit Mandi Azadpur, Delhi.

The petitioner is a registered society and has approached this Court through its President.

Mr.Rahul Mehra, learned standing counsel has drawn the attention of this Court to the counter affidavit and has submitted that if at all, the petitioner is aggrieved by any sale or purchase of property, which according to it, has been done in a fraudulent manner, he has an option to approach the learned Magistrate for initiation of proceedings against the wrongdoers.

Learned counsel for the petitioner, however, submits that the present matter requires detailed investigation by any independent agency, preferably CBI, as according to the petitioner, a third party interest has been created, upon the land referred to above. It is submitted that in the larger public interest and to preserve the rights of the dead persons, the matter be directed to be investigated by the CBI.

This Court is not agreeable to the prayer made in the writ petition for the simple reason that there is an alternative remedy available to the petitioner. This Court also takes cognizance of the fact that in the first instance, notice was issued to respondent nos.4 to 6, but such notices could not be served as the noticees were not found at the given address.

For the reason aforesaid, this writ petition is dismissed, as having no merits.

ASHUTOSH KUMAR, J

AUGUST 16, 2017
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