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

+ W.P.(C) 1676/2017 & C.M.No.7520/2017

MEGHRAJ BANNUWAL TRUST (REGD) Petitioner

Through Mr.Ashok Gurnani, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through Mr.Arjun Pant, Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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28.02.2017

Present writ petition has been filed seeking a direction to the Respondent-DDA to execute the conveyance deed and handover physical possession of the plot bearing No. 427, Dr. Mukherjee Nagar, Delhi to the petitioner-trust. Petitioner also seeks quashing of the impugned reply to the legal notice dated 22nd April, 2016. The relevant portion of the impugned reply is reproduced hereinbelow:-

“In the present case two different persons are claiming to be as Secretary of the so called Trust. Considering the dispute between members of Trust, a letter for verification of genuineness of both the purported Secretaries had already been issued by the office vide letter dated 20.05.2015, seeking complete details of present members and office bearers of the trust & through which process they have acquired the position.

As regards, the claim over the property by Sh.Rajeev Choudhary @ RC Narwar son of Sh. KV Singh is concerned, as per available record of DDA, Sh.Rajeev Choudhary neither founder member of the trust nor he produced any evidence of his role in the trust, even he come with his representations only since

07.04.2015 without resolution/collective decision of the Board of Trustees to appoint and nominate him as Secy. of the trust.

In view of the controversy created with regards to different claimants against the property, both the parties has been advised to settle their dispute 1st and thereafter look forward to DDA with surrender slip of qtr. No.128, Outram Lines, Kingsway Camp, Delhi against which plot no. 427, Dr. Mukharjee Nagar is being claimed. Any fruitful action on the part of both the claimants is expected in resolving the dispute under the trust.”

In the opinion of this Court, as there is a serious dispute between two factions claiming themselves to be the Secretary of the petitioner-trust, it is only appropriate that the matter be decided by way of a civil suit.

Consequently, the present writ petition is dismissed with liberty to the petitioner to file a civil suit seeking the reliefs as sought in the present writ petition in accordance with law.

MANMOHAN, J

FEBRUARY 28, 2017

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