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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 229/2016**
CUSTODIAN OF ENEMY PROPERTY FOR
INDIA (DELHI BRANCH) Petitioner
Through
versus
NAIMA KHATOON & ORS Respondents
Through Mr Rajat Aneja, Advocate with
Ms Chandrika Gupta and Ms Vandna Aneja,
Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER
% **31.10.2017**

1. The petitioner has filed the present petition, *inter alia*, alleging that the respondents have violated the order dated 18.11.2015 passed in the writ petition bearing W.P. (C) No. 10654/2015 titled "*Naima Khatoon & Ors v. Government of India & Ors*" inasmuch as the respondents have handed over the possession of the property in question (bearing No. 3837 to 3839, 3840/1. 3840/2 and 3841, Ward No IX, Sarak Prem Narain, Churiwalan, Delhi-110006) to a builder for reconstruction.
2. The aforesaid allegations are denied by the respondent who claims that respondent is merely carrying on the renovation and repair works to the property, which had been damaged by the erstwhile tenants.
3. It is seen that by an order dated 18.11.2015, this Court had directed that "*the petitioner shall not alienate, encumber or part with the possession of the aforesaid properties or any part thereof*".
4. Renovation or repair work does not constitute alienating or

encumbering the property. Further engaging a contractor to carry out any repairs or renovation also does not, in all circumstances, result in parting with the possession of the property. The respondents assert that although certain repair works are being carried out, they have not parted with the possession of the property in question. This court finds no reason to disbelieve the same. Nonetheless, it is directed that the respondents shall ensure that the possession is not parted with in any manner and no right or interest is created in any person so as to claim possession in the property in question or part thereof.

5. Insofar as the construction and renovation is carried out, it is clarified that the petitioner shall not be entitled to claim any equities on that count and if it is found that the property ultimately vests with the Custodian, the petitioner would not be entitled to claim any compensation on account of any construction or repairs carried out at the premises in question or seek any adjustment in that regard.

6. All other interim orders passed in this petition stands vacated with the aforesaid clarification. It is further clarified that the above directions will be operative only so long as the order dated 18.11.2015 stands.

7. In view of the above, this court is not inclined to accept that any action is warranted against the respondents for wilful disobedience of the order dated 18.11.2015 passed in W.P. (C) No. 10654/2015. The petition is, accordingly, disposed of.

VIBHU BAKHRU, J

OCTOBER 31, 2017/pkv