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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2803/2017 & CM APPL. 12217/2017

MANOHARI RAMAN

..... Petitioner

Through: Mr. Medhanshu Tripathi, Advocate with
Mr. Satish Rana, Advocate.

versus

THE VICE CHAIRMAN DDA AND ORS

..... Respondents

Through: Mr. Arjun Pant, Advocate for DDA.

Mr. Sanjoy Ghose, Advocate for
respondents No.7 to 10 with
Inspector Manoj Kumar Mishra,
SI Dhan Singh, PS Mayur Vihar, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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27.03.2017

Present writ petition has been filed seeking a direction to the respondent No. 1 to initiate an inquiry as to how Conveyance Deed dated 13th September, 2013 in respect of flat bearing No.16-B, DDA Flats (Janta), Chilla Village, Delhi, had been executed by the respondent No. 3 in favour of respondent No.13. Petitioner also prays for cancellation of the said Conveyance Deed as well as seeks compensation.

It has been averred in the petition that in the year 1996, petitioner applied for allotment of a flat under the DDA Janta Housing Registration Scheme vide application No.53929. The petitioner was declared successful

and allotted the aforesaid flat vide Demand-cum-Allotment letter dated 15th October, 1996. Upon payment of the requisite amount, the possession of the said flat was handed over to the petitioner vide possession slip dated 18th July, 2001.

It has also been averred that on 31st July, 2014, when the petitioner was visiting the said flat along with her family members, they were approached by respondent No.13, who claimed himself to be the owner of the said flat on the basis of the Conveyance Deed dated 13th September, 2013 and threatened the petitioner as well as her family members to leave.

Learned counsel for petitioner states that the petitioner is the lawful owner of the said flat and respondent No.3 in connivance with respondents No.13 and 14 on the basis of certain forged documents has executed the said Conveyance Deed in favour of respondent No.13. He points out that in the Conveyance Deed, photographs of the first party is missing and the consideration amount has not been mentioned.

On the other hand, Mr. Arjun Pant, learned counsel for respondent-DDA, who appears on advance notice, states that after receipt of the petitioner's complaint, notice was issued to respondent No.13 on 26th August, 2015. He states that in pursuance to the notice, a reply dated 30th June, 2016 was received in which it is stated that a civil suit for permanent injunction has already been filed with regard to the property in question and is pending adjudication before Mr. J.P. Nahar, ACJ, Karkardooma. In the reply, it was also stated that the property in question had been purchased by him in pursuance to a number of prior transactions.

Mr. Sanjoy Ghose, learned counsel appearing for Delhi Police states that investigation in pursuance to the orders issued in a petition filed under

Section 156(3) Cr.P.C. is pending.

Having heard learned counsel for parties, this Court is of the view that the present petition involves serious disputed questions of fact. It is pertinent to mention that it is the petitioner's case that respondents No.3 and 4 have committed breach of trust, fraud and cheating by helping respondent No.13 in creating fake, forged and fabricated documents. Certainly allegations of fraud, forgery and fabrication cannot be investigated in writ proceedings.

Consequently, present writ petition and application are disposed of with liberty to the petitioner to file a civil suit seeking reliefs sought for in the present writ petition in accordance with law.

MANMOHAN, J

MARCH 27, 2017

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