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

% Judgment delivered on: 05.05.2017

+ W.P.(C) 3327/2015

MR SHANKAR MUKHERJEE Petitioner

versus

UNION OF INDIA & ORS Respondents

+ W.P.(C) 4821/2015

HARJIT KAUR Petitioner

versus

UNION OF INDIA & ANR Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. K. Dutta & Mr. Kapil Gupta, Advs. (W.P.(C) 3327/2015)
Mr. Devesh Pratap Singh, Adv. (W.P.(C) 4821/2015)

For the Respondents : Mr. Rakesh Kumar, CGSC for R-1 and Mr. Devesh Pratap
Singh, Adv. for R-3 (W.P.(C) 3327/2015)
Mr. Vivek Goyal, CGSC with Ms. Vanya Khanna, Adv. for
R-1/L&DO
Mr. K. Dutta & Mr. Kapil Gupta, Advs. (W.P.(C) 4821/2015)

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
05.05.2017

SANJEEV SACHDEVA, J. (ORAL)

1. Both the parties are aggrieved by the order dated 28.10.2014 whereby the L&DO, inter-alia, held as under:-

*“In the circumstances referred above, the Department (L&DO) is directed to maintain status quo in the property and no transfer should be made in the records of L&DO, till the dispute of title is settled/resolved between both the parties. The conveyance deed dated 02.05.1995 issued in favour of Ms. Harjit Kaur already stands cancelled in L&DO’s record and substitution of lease hold rights in the property issued vide letter dated 09.05.2012 in favour of Shri Shankar Mukherjee has also become disputed. Since, now a dispute over the title of the property No. B-399, C.R. Park, New Delhi has arisen, both the parties are advised to approach the appropriate court of Law to get the **Title Dispute** resolved/settled. Both the parties are also restrained to carry out any transaction in the property in question.”*

2. Learned counsel for the parties submit that there is a civil suit pending between the parties whereby Mrs. Harjit Kaur has filed a suit for declaration and Mr. Shanker Mukherjee has filed a counter claim in the said suit.

3. Since, the parties are already litigating before a Civil Court and serious disputed question of facts are involved requiring parties to

lead evidence, a petition under article 226 of the Constitution of India, on the same disputed fact would not lie. There are also allegations of forgery, which would require parties to lead evidence. It would be appropriate that the parties establish their respective claims in accordance with law.

4. In view of the above, these petitions are disposed of leaving the title to the property, to be decided in the above referred Civil Suit as well as the counter claim.

5. It is clarified that this order is without prejudice to the rights and contentions of the parties in the Civil Suit as well as the counter claim.

SANJEEV SACHDEVA, J

May 05, 2017
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