

\$ ~45

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

Decided on : 2nd May, 2017

+ W.P(Crl.) 1295/2017 & CrI.M.A. 7206-07/2017

GHANSHYAM SINGH RAWAT Petitioner

Through: Mr. Ashok Aggarwal & Ms.
Devyani Bhatt, Advs.

versus

STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr. Rajesh Mahajan, ASC for
the State.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner describes himself as an elderly person of around 60 years age, employed as a watchman who has been harassed by his son (fifth respondent). He states that the fifth respondent had assaulted him on 3.6.2016 with the help of some of his associates causing grievous injuries leading to FIR No. 413/2016 involving offences punishable under Sections 325/506 IPC having been registered in police station Sangam Vihar. It is also his allegation that the said fifth respondent had forcibly taken over illegal possession of his house on 12.6.2016 depriving him of its enjoyment. He presses for various reliefs including writ in the nature of mandamus for direction to the other respondents (Government of NCT of Delhi, the local police and the District Magistrate) to take immediate action to restore

the possession of house to him, for direction to the said other respondents to take immediate action including filing of charge-sheet against the fifth respondent pursuant to FIR No. 413/2016, for directions for inquiry to be held as to inaction on the part of the local police to intervene when required, and to ensure that he is not forced to sell his house to any person or at a price not determined by market forces and further for adequate protection to be afforded at the time of his visit to the said house in Sangam Vihar.

2. Status report has been filed by the learned additional standing counsel for the State indicating that the investigation into FIR No. 413/2016 of police station Sangam Vihar having been completed, charge-sheet has already been filed in the Court. This, the counsel for the petitioner fairly conceded takes care of one of the prayers made in the present petition.

3. As regards the other prayers, the prime grievance of the petitioner being that his son (fifth respondent) had forcibly taken over his house on 12.6.2016, and there was inaction on the part of the police, on being asked counsel for the petitioner conceded that the petitioner has not invoked the jurisdiction of the civil court to recover the possession or of the forum under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for necessary reliefs. The averments made in the present petition do not make out a clear case of any duress for sale of the residential property or for its disposal for consideration less than the market value. Even otherwise if the property is owned by the petitioner, it is his prerogative to sell it for proper consideration to the person he chooses to transact with. The

right of the petitioner to visit the said house to look after it is contingent upon he obtaining the necessary relief from the appropriate forum in accordance with law. In such proceedings questions of fact are bound to arise.

4. The petitioner, thus, must pursue the appropriate remedies under the law, the present endeavour to bunch various grievances together in a writ petition is clearly ill-advised and misconceived.

5. The petition is disposed of with above observations.

MAY 02, 2017

nk



R.K.GAUBA, J.