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

+ W.P.(CRL) 3657/2016

SMT RAMWATI

..... Petitioner

Through: Mr. Sushil Kumar Jain, Advocate
along with petitioner in person.

versus

STATE (NCT GOVT OF DELHI) & ORS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
and Mr. Jamal Akhtar, Advocate for
the State.

Mr. Puneeth K.G. & Mr. Sunil
Fernandes, Advocates for respondent
No.2/ BSES-RPL.

Mr. Aditya Bakshi, Advocate for and
along with respondent No.3 in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

30.01.2017

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1. The petitioner has preferred this writ petition to seek a mandamus directing the respondent to allow the petitioner to reside in her own property and to seek a restraint against respondent No.3 – her daughter, from entering into her property No.G-170, Harkesh Nagar, Okhla Industrial Area Phase – II, New Delhi (though in the petition it has wrongly been typed as G-177).

She also sought police protection against harm from respondent No.3. She claimed that respondent No.3 had threatened to kill her. She also sought a direction that respondent No.2, i.e. the BSES – RPL remove the electricity meter unauthorisedly installed in the name of respondent No.3.

2. On 22.12.2016, this Court passed the following order:

“ Issue notice. Notice is accepted on behalf of respondent nos.1 and 2. Let notice issue to respondent no.3 returnable on 04.01.2017. The same be taken dasti and served through the SHO concerned.

The petitioner seeks protection from respondent No.3, her own daughter. It is the case of the petitioner that she is the owner of the property bearing no.G-177, Harkesh Nagar, Okhla Industrial Area, Phase II, New Delhi. The petitioner states that respondent no.3 is seeking to oust the petitioner and that she got into her home last night. The petitioner is a senior citizen and is a widow.

SI Bijender Singh is present in court. He is directed to ensure that in case the petitioner is residing at the said address, she is not dispossessed from there or put to any threat by any person including respondent No.3. The beat constable of the area shall be sensitised in the matter.

On the next date, respondent No.3 shall remain present in court.”

3. A status report was prepared by the police, which was relied upon by Mr. Mehra on the last date of hearing, i.e. on 04.01.2017 and the same has been brought on record. As per the status report, the petitioner was found to be occupying one portion in the said property while respondent No.3 was occupying another portion. The property was in the name of late Sh. Bhavi Chand.

4. During the course of arguments, it has been clarified that the status report mentions that late Sh. Bhavi Chand was the petitioner's husband, though he was her brother-in-law, i.e. Devar.

5. Thereafter the property was transferred in the name of two sons of the petitioner vide GPA dated 22.10.2003. The petitioner is residing with her two sons in a portion of the property. It appears that the daughters, or at least one daughter of the petitioner, is also staking claim in the property, and that is the background in which the disputes have arisen. The daughter of the petitioner, i.e. respondent No.3 is found to be residing in another portion of the property.

6. This Court has already directed grant of protection to the petitioner from respondent No.3 or any other person at her behest. The disputes with regard to the rights in the property are civil in nature and it is open to the parties to ventilate their rights & grievances before the Civil Court.

7. Respondent No.3 is present in Court and she has undertaken to the Court that she shall not cause any harm to the petitioner, i.e. her mother.

8. In view of the aforesaid, the petition stands disposed of while continuing the interim directions issued to the State to grant protection to the petitioner in terms of the order dated 22.12.2016.

9. Dasti.

VIPIN SANGHI, J

JANUARY 30, 2017

B.S. Rohella