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

+ W.P.(C) 11731/2015

KRISHAN BIDHURI

..... Petitioner

Through: None.

versus

STATE OF (GNCT OF) DELHI & ORS

..... Respondents

Through: Mr Anuj Aggarwal, ASC, GNCTD  
with Ms Shreyan Das, Advocate for  
R-1, to 5.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

% **25.10.2017**

1. None appears for the petitioner.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“A. Pass Writ of Mandamus or an appropriate writ/ order or directions, directing the respondents 2 to 6 to disclose the reasons for confiscating the stock material of the Petitioner, and further not to harass the petitioner and interfere in the matter of ownership, possession and occupation of plot of land Khasra No. 618, Village Madanpur Khadar, Sarita Vihar, New Delhi.

B. further directing the Respondent no. 1 ensuring that the police personnel release the marble slabs of petitioner and Respondents no.2 to 6 are not harassing the petitioner and to initiate appropriate action against erring officials;

C. and directing the department i.e. delhi police to suitably compensate the petitioner for the acts, misdeeds and misconduct of the Respondents.”

3. The petitioner alleges that certain marble stones owned by the petitioner which were lying at the petitioner's land were forcibly removed by the police authorities. It appears that there is a dispute as to the ownership of the land in question (located at Khasra No. 618, Village Madanpur Khadar, Sarita Vihar, New Delhi). The said dispute as to who is the owner of the land cannot be examined in this petition. The scope of the present petition would thus necessarily be confined to the question whether the police authorities had forcibly removed the petitioner's goods (stock of marbles) from the land located in Khasra No. 618, Village Madanpur Khadar, Sarita Vihar, New Delhi.

4. The diary sheet produced by the police authorities along with status report filed by the police authorities indicates that the Head Constable - Shoaib Alam had discovered that certain marble stones (735 in number) were lying on Government land at Kanchan Kunj Nala. It is stated that certain inquiries were made and no person admitted or claimed the said goods to belong to them and, accordingly, the same were impounded under Section 66 of the Delhi Police Act, 1978.

5. The said explanation *prima facie*, does not appear to be credible as the petitioner has produced sufficient material on record to indicate that he had made complaints at the material time alleging that the goods in question were removed from the land (Khasra No. 618, Village Madanpur Khadar, Sarita Vihar, New Delhi) belonging to him. The Status report filed on behalf of the concerned police authorities seeks to explain as to how the

petitioner's claim as to ownership of land in Khasra No. 618, Village Madanpur Khadar, Sarita Vihar, New Delhi, is incorrect. This is not relevant to the issue of removal and confiscation of the goods in question.

6. In view of the above, the Police Commissioner is directed to hold an inquiry into the matter within a period of three months from today particularly as to how the complaints made by the petitioner had been dealt with.

7. Needless to mention that if it is found that any of the officials have acted in connivance with any person to ensure transfer of possession of land, the Commissioner of Police shall ensure that necessary action in accordance with law is taken against the delinquent officials.

8. The petitioner is at liberty to apply to the concerned authorities for recovery of his goods and if such application is made, the same would be considered in accordance with law.

9. The petition is disposed of with the aforesaid directions.

10. Order *dasti*.

**VIBHU BAKHRU, J**

**OCTOBER 25, 2017**  
**MK**