

\$~16

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

+ **W.P.(C) 285/2018**

MRS. SANGEETA PUROHIT

..... Petitioner

Through: Mr C. S. Rathour and Mr Pradeep
Dhariwal and Mr Akash Krishna,
Advocates.

versus

STATE (GOVT. OF NCT DELHI) AND ORS. Respondents

Through: Mr Naushad Ahmed Khan, ASC
(Civil), GNCTD for R-1 and R-4.
Insp. Birender Singh, PS Shahdara.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

15.01.2018

CM No.1191/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 285/2018

2. Issue notice. Mr Naushad Ahmed Khan, the learned counsel appearing for the respondents accepts notice and submits that the present petition is not maintainable.

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“A. To issue appropriate Writ, order or direction in the nature of 'Mandamus' or any other appropriate Writ, order or direction commanding concerned respondent(s) particularly the Respondent no. 1 & 3 to furnish the copy

of the Enquiry Report of as allegedly conducted by the A.C.P. (Shahdara)/Respondents no. 3 with its supporting documents, including the “Allotment Letter”, in any, in favour of K.V.S./Respondents no. 5 pertaining to land pertaining Khasra No. 634/402, 407, 408 of Village-Uldhanpur, Shahdara, Delhi as earmarked in red colour of the site map in Annexure P-1 (Colly), as communicated to the petitioner through its “Public Grievance Monitoring System” (PGMS, for short) in response to her written complaint / representation, registered as Grievance No.2017090166, Dt.05.11.2017; (vide Annexure P-6).

B. To issue appropriate Writ order or direction in the nature of ‘Prohibition’ or any other writ, order or direction, prohibiting the concerned respondents from spreading any false rumor/ propaganda/publicity in any form to the effect that the land bearing Khasra no. 634/402, 407, 408 of Village-Uldhanpur, Shahdara, Delhi shown in the site map in red colour vide Annexure P-1(Colly) belongs to D.D.A. or K.V.S./Respondent no. 5 except the land of the actual land owners on revenue records, i.e; Vajiuddin Sabri & Ors; who are being represented through the Petitioner herein; & also direct them to issue Public Notice forthwith through print & electronic media at their own cost that the above referred land doesn't belongs to the DDA, KVS/Respondent no. 5 or any other Govt. agency except the land of the recorded owners above named.”

4. The real controversy relates to the dispute with regard to the title and possession of the property bearing Khasra no.634/402, 407, 408 in Village Uldhanpur, Shahdara, Delhi.
5. The petitioner in the present case claims both ownership and possession of the said property. However, a perusal of the pleadings

indicates that a foundation stone for establishing a Kendriya Vidhyalaya by Kendriya Vidhyalaya Sangathan (respondent no.5) has been placed on the said property.

6. The petitioner had also filed a writ petition earlier - W.P.(C) 6146/2014 - with regard to the said property, which was disposed of by an order dated 15.09.2014 directing that the demarcation be carried out of the said property.

7. The learned counsel appearing for the petitioner states that the said demarcation has already been carried out. Clearly, if there is any dispute as to the title and possession of the property in question, the same would have to be decided by a Civil Court and it would not be apposite for this Court to enter into the said disputes. The learned counsel appearing for the petitioner also states that the petitioner is not inviting this Court to enter the said controversy but is merely seeking a copy of the inquiry report allegedly conducted by the ACP, Shahdara (respondent no.3) and the supporting documents including the allotment letter in favour of Kendriya Vidhyalaya Sangathan (respondent no.5).

8. This Court is of the view that the apposite course for the petitioner to obtain any public document would have been to take recourse to the Right to Information Act, 2005. However, without entering into any further controversy in this regard, this Court considers it apposite to direct respondent nos. 1 and 3 to provide a copy of the inquiry report in question and the supporting documents as sought for by the petitioner, if the same are available with respondent nos.1 and 3.

9. Let the same be provided to the petitioner within a period of 12 weeks

from today.

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

11. It is clarified that nothing contained in this order is to be construed as an expression of opinion as to the merits of the dispute or the locus of the petitioner to maintain this petition. All rights and contentions of the parties are reserved.

12. Order *dasti*.

VIBHU BAKHRU, J

JANUARY 15, 2018
MK