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

+ **W.P.(C) 6587/2018**

MANOJ KUMAR SACHDEVA & ANR Petitioners
Through: Mr Yoginder Handoo and Mr Aditya
Chaudhary, Advocates.

versus

UNION OF INDIA & ORS Respondents
Through: Mr Rajesh Gogna, CGSC with Mr
Akhilesh Sagar and Mr Raghav
Nagar, Advocates for R-1 & 2.
Ms Ritu Goel, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.07.2018**

CM No. 25128/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6587/2018 and CM No. 25127/2018

3. The petitioners have filed the present petition impugning an eviction notice dated 14.05.2018 (hereafter 'the impugned notice') passed by respondent no.3, whereby the petitioners have been called upon to vacate the premises described as under:-

“Property No. 496/25 A-2, built on plot 274, Municipal no. 588, Multani Mohalla, Gandhi Nagar, Delhi (old & new no. 588 a piece of land measuring 216 sq. yards out of Khasra No. 636/613/2/2/2//2/1, Khewat No. 190, Khatoni No. 386, Village Seelampur, in the abadi of South Gandhi Nagar, Illagqa Shahdara, Delhi (New No. 9/1106, Gandhi Nagar, Delhi).”

4. It is asserted that the said property stands forfeited by virtue of an order passed under Section 7(1) and (3) of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property), Act 1976.

5. The petitioners claim that there has been some confusion as they are not aware of any proceedings against the petitioners in respect of the aforesaid property. They further claim that they have no connection with the persons mentioned in the impugned notice. The petitioners have also placed on record documents evidencing their title to the property in question.

6. The learned counsel appearing for the petitioners earnestly contended that there appears to be a *bonafide* error, as the property of the petitioners is built on plot no. 276 and not on plot no. 274 and, therefore, the impugned eviction notice cannot be executed against the petitioners. The learned counsel also drew the attention of this Court to a representation made to respondent no.3 in the aforesaid regard.

7. The learned counsel appearing for respondent no.3 submits that on receipt of the representation, the same was forwarded to the competent authorities to seek a clarification as to the property forfeited under the orders passed by the competent authority. Mr Gogna, the learned counsel appearing for respondent no.2 also states that respondent no.2 shall examine the matter and issue the necessary clarification.

8. In view of the above, respondent nos.2 and 3 are directed to consider the present petition as a representation and communicate their decision to

the petitioners within a period of twelve weeks from today.

9. It is further directed that the impugned eviction notice shall not be implemented for a further period of four weeks after the respondents have communicated the decision/clarification to the petitioners. This is to enable the petitioners to seek an appropriate recourse in the event they are aggrieved from the decision of the respondents.

10. The petition and the application are disposed of in the aforesaid terms. It is clarified that all rights and contentions of the parties are reserved.

VIBHU BAKHRU, J

JULY 03, 2018
RK