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

+ **W.P.(C) 7052/2018**

SMT. ISHWAR DEVI

..... Petitioner

Through Mr Rajeev Ranjan pandey, Advocate
with Mr Kamal, Advocate.

versus

DEPUTY COMMISSIONER AND ORS.

..... Respondents

Through Mr Rishikesh Kumar, Mr Rizwan,
Mr Vikas, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.07.2018

CM No. 26776/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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

“a) to issue writ or writs in the nature of mandamus directing respondent no. 1, 2, 4, 5 and 6 to decide the representation dated 07.07.2018 of the respondent and to take necessary actions prayed accordingly in the representation and

b) to issue writ/writs in the nature of mandamus directing respondent no. 4, 5 and 6 to provide police protection to the petitioner and her family and save our precious lives.”

4. The petitioner claims to be the owner and in possession of a shop bearing no. 7, Mini Shopping Centre, EC Block, G-8 Area, Rajouri Garden, Maya Enclave, New Delhi-110064 (hereafter 'the shop in question'). She further claims that she has been operating the shop for earning her livelihood.

5. It is the petitioner's case that her daughter-in-law, Smt Anita Gambhir, is attempting to forcibly take possession of the shop in question through the aid of police persons.

6. The learned counsel appearing for respondent nos. 1 to 6 has handed over a status report which indicates that on 06.07.2018, a PCR call was regarding a quarrel at the shop in question and on reaching the place of occurrence, it was found that there was a quarrel between Sh Bhuvnesh Kumar Gambhir, who is the elder son of the petitioner and the brother Sh Sanjay Gambhir – the husband of Ms Anita Gambhir. It appears from the status report that the quarrel was between the Ms Anita Gambhir (and the persons accompanying her) and Bhuvnesh Gambhir with regard to the possession of the shop in question. Sh Bhuvnesh Gambhir claimed that he had three shops at the said shopping market including the shop in question, which was closed. he also stated that it was opened sometime by his mother (the petitioner) or his brother (one Hitesh Ghambir) who are residing with him.

7. It appears from the status report that the essential dispute is not between the petitioner and Smt Anita Gambhir but between Mr Bhuvnesh Kumar Gambhir and Smt Anita Gambhir. It is also stated that there is a

matrimonial dispute between Smt Anita Gambhir and her husband and she alleges that she has been deserted by her husband and has been thrown out of her matrimonial home by his family. In order to establish her ownership, Smt. Anita Gambhir has also filed a registered General Power of Attorney in her favour in respect of the shop in question. The petitioner, on the other hand, has been unable to produce any document whatsoever to establish that the shop in question was either owned by her husband or by her. It is also relevant to note that the petitioner also appears to have witnessed the General Power of Attorney executed in favour of Smt Anita Gambhir.

8. This Court is of the, *prima facie*, view that the present petition has been essentially filed by the petitioner to claim possession of the shop in question with regard to which the petitioner has no document of title whatsoever.

9. In this view, this Court finds no reason to interfere with action of the Police Authorities.

10. No further orders are required to be passed in this petition.

11. It is clarified that this order would not preclude the petitioner from filing an appropriate action to claim ownership of the shop in question

12. The petition is disposed of with the aforesaid observations.

13. *Dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JULY 10, 2018/pkv