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

+ W.P.(CRL) 3704/2018

M/S LAURENT & BENON HOSPITALITY
SOLUTIONS PVT LTD

..... Petitioner

Represented by: Mr.Rakesh Malhotra, Advocate

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Represented by: Mr.Sanjay Lao, ASC with ACP

Ramesh Kumar, PS Vasant Kunj

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.12.2018

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1. By this petition, petitioner seeks directions to the respondents to put back the petitioner in possession of the demised premises bearing Lal Dora Land, Khasra No.378 situated at Old Delhi Gurgaon Road, Kapasher, New Delhi from which he alleges that he has been illegally dispossessed and also seeks action against respondent Nos.4 and 5.

2. On the last date, when this matter came up for hearing, this Court put it to learned counsel for the petitioner that the issues of possession cannot be decided under Article 226 of the Constitution of India when learned counsel for the petitioner categorically stated that he has invoked this remedy as possession of the property from where petitioner has been dispossessed was handed over to the respondent Nos. 2 and 3 by the SHO concerned himself. It was in light of this submission of learned counsel for

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the petitioner that a notice was issued. A status report has been filed by the ACP concerned which points out that at the time when the petitioner claims that he was allegedly dispossessed neither SHO concerned nor the IO SI Naveen Meena were present and as per the location of the SHO concerned, he was in Ghazipur. It is thus apparent that the plea taken by the petitioner was absolutely false and incorrect.

3. Petition is thus dismissed with cost of ₹10,000/- to be paid to the Delhi High Court Legal Services Committee.

MUKTA GUPTA, J.

DECEMBER 20, 2018

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