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

+ **W.P.(C) 6653/2019**

MR. SURABH MALIK AND ANR. Petitioners

Through Mr Rajiv Saxena, Advocate.

versus

STATE OF JHARKHAND AND ANR. Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.05.2019

CM APPL. 28090/2019

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

W.P.(C) 6653/2019 & CM APPL. 28091/2019

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

“Issue an appropriate writ, direction or order thereby restraining the Respondents and more particularly the Respondent No.2 from taking any punitive action against the Petitioner as contemplated under the impugned Notice Memo No. 32/R dated 10.05.2019;”

4. It is seen that the said impugned notice, *inter alia*, called upon the petitioner to deposit the monthly rent for the premises in question (H.No. 26, Engineering Enclave Pitampura, Delhi-110034) for the period commencing

from 13.10.2004 to 13.05.2019. The said notice was issued by respondent no.2 in its capacity as a Receiver appointed by the Court of A.J.C. Cum Special Judge IV, CBI, AHD Scam cases, Ranchi. The petitioner states that the said notice is beyond the mandate of the Receiver. The petitioner states that in terms of the order passed appointing the Receiver, his mandate was limited only to *“take over the management of the properties', 'receive income of the property (if any by the way or rent or otherwise) and 'to maintain accounts of income and expenditure in the management of such properties'.*

5. It is contended by the learned counsel appearing for the petitioner that the mandate of taking over of the properties would not entitle the receiver to either recover the rent or to evict the owners occupying the said property. *Prima facie* the contentions are unmerited. The expression, “management of the properties” is an expression of wide import and would include all tasks necessary to manage the said properties including to ensure that optimum benefit from the use of the property is recovered.

6. This court is also of the view that it would not be apposite for this Court to entertain the present petition since the central controversy is with regard to the authority of the Receiver appointed by High Court of Jharkhand. If the petitioner is aggrieved by the manner in which the order of the High Court of Jharkhand is being implemented, it would be apposite for the petitioner to approach that Court.

7. The petition is dismissed with the aforesaid observations. The pending application is disposed of.

VIBHU BAKHRU, J

MAY 31, 2019/ pkv