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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2724/2019 & CRL.M.A. 36654/2019 & CRL.M.A. 36655/2019**

RANJI THOMAS

..... Petitioner

Through: Mr N. Ganpathy, Sr. Advocate with
Mr Satish Kumar, Mr Thomas
Oommen and Ms Savita Kumari,
Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Ms Kamna Vohra, ASC with Ms
Kusum Dhalla, APP for State.
SI Karan Pal, PS GK-I.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.09.2019

1. The petitioner has filed the present petition, *inter alia*, impugning a show cause notice dated 08.07.2019 and proceedings pending before the Special Executive Magistrate bearing DD No.36A dated 10.05.2019 under Section 107/150 of the CrPC.
2. By the impugned notice dated 08.07.2019, the learned SEM had called upon the petitioner to show cause as to why he should not be ordered to execute a Personal Bond in the sum of ₹10,000/- with one surety in the like amount. The petitioner contends that the said notice is solely based on the *kalandara* without any application of mind. The aforesaid contention is, *ex facie*, unmerited.

3. A plain reading of the petition indicates that there are disputes between the petitioner and one Mr Sakaar Sardana. The petitioner alleges that Mr Sakaar Sardana had purchased the basement of the built-up property bearing no. W-110, Greater Kailash Part-I, New Delhi-110048. The petitioner resides on the ground floor of the said property.

4. The petitioner is, essentially, aggrieved by the conduct of Mr Sakaar Sardana, inasmuch as, he has put split units of five air conditioners outside, at the level of the ground floor, thereby causing inconvenience to the petitioner. It is also alleged that Mr Sardana is misusing the property as an office for commercial purposes/advocate's office, which is not permissible.

5. It is also alleged that Mr. Sardana has been carrying unauthorized construction activity in the common area. A plain reading of the petition indicates that there are disputes festering between the petitioner and Mr Sakaar Sardana. There are allegations and counter allegations of the petitioner and Mr Sakaar Sardana abusing each other. Complaints have been made by the petitioner as well as Mr Sakaar Sardana to the police authorities.

6. In view of the above, this Court finds no infirmity with the issuance of the show cause notice, whereby the learned SEM has called upon the petitioner as well as Mr Sakaar Sardana to show cause why they should not be asked to execute a bond to maintain peace. This Court is also informed that the learned SEM not only perused the *kalandara* but also made inquiries from the police officials. Given the allegation and counter allegations, there is no infirmity in the impugned notice. The petitioner is at liberty to articulate his grievance before the learned SEM in a response to the said notice. Needless to state that the learned SEM shall consider the same,

uninfluenced by any observations made by this Court, before passing a final order.

7. The petitioner is not precluded from approaching the concerned authorities/courts, including municipal authorities, with regard to any of his grievances.

8. The petition is disposed of with the aforesaid observations. The pending applications are also disposed of.

9. All rights of the parties are reserved.

VIBHU BAKHRU, J

SEPTEMBER 23, 2019

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