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

+ **W.P.(CRL) 1125/2020**

YOGESH AGGARWAL

..... Petitioner

Through: Mr Ravish Kumar Goyal, Advocate.

versus

STATE [GOVT OF NCT OF DELHI]

..... Respondent

Through: Mr Avi Singh, ASC for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.07.2020

[Hearing held through video conferencing]

CRL.M.A. 9910/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1125/2020 & CRL.M.A. 9909/2020

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

“A. Issue an appropriate Writ, Order or direction in the nature of mandamus commanding the respondent to provide safety & security to the property of the petitioner from trespassers, i.e. Ground Floor, First Floor & Second Floor of property bearing no. A-26, New No. A-26/1, out of Khasra No.344, Mohan Park, Naveen Shahdara, Delhi-110032, admeasuring **49.166 Square Meters**, and also to take suitable action if any person enters into it without permission of the petitioner.

- B. Issue an appropriate Writ, Order or direction in the nature of mandamus commanding the respondent to maintain law and order at least providing the protection of law to the petitioner whereby he may enjoy and exercise his legal rights and fundamental rights and the same may not be violated by taking law in their own hands by anyone.”

3. The petitioner claims to be the owner of the property bearing no. A-26, New No. A-26/1, out of Khasra No.344, Mohan Park, Naveen Shahdara, Delhi-110032 (hereafter the ‘property in question’) by virtue of an Agreement to Sell dated 18.11.2019, possession letter dated 18.11.2019, receipt dated 18.11.2019, will dated 18.11.2019 and an affidavit dated 18.11.2019. It is contended on behalf of the petitioner that he has received threats from persons, namely, Ashish Gupta, Vikas Gupta and Deepak Gupta (all sons of Late Shri Subhash Chand Gupta) that they would trespass into the property in question and illegally take over possession of the property in question.

4. The learned counsel appearing for the petitioner states that the petitioner has already filed a complaint dated 22.07.2020 in this regard and has also forwarded a copy of the said complaint to DCP Shahdara by speed post.

5. It is doubtful whether the documents produced by the petitioner are sufficient to establish his ownership of the property in question. However, it does appear from the averments that there is a dispute regarding the property. The petitioner has not arrayed Ashish Gupta, Vikas Gupta and Deepak Gupta as parties to the petition. In any view, this Court does not consider it apposite to entertain any dispute relating to the property in

question, in proceedings under Article 226 of the Constitution of India.

6. The petitioner is at liberty to institute civil action, if so advised. In the event the petitioner is aggrieved by non registration of the FIR, he is also at liberty to avail of alternative remedies.

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

VIBHU BAKHRU, J

JULY 27, 2020
MK