



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

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Reserved on : 04.02.2022

Pronounced on : 27.04.2022

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W.P.(CRL) 1331/2021

PAWAN KUMAR CHOTIA

..... Petitioner

Through: Mr. Manoj Kumar Gahlaut and Ms.
Himanshi Gahlaut, Advocate

versus

STATE OF NCT OF DELHI AND ORS.

.... Respondents

Through: Mr. Avi Singh, ASC for the State
with Mr. Karan Dhalla, Advocate
with IO.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

J U D G M E N T

RAJNISH BHATNAGAR, J.

1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, has been instituted seeking the following reliefs:-

“i. *Pass a writ/order/direction/instruction in the nature of mandamus in favour of the petitioner and against the respondents thereby directing the respondents jointly and severally to prepare and make the verification report in*



respect of the tenants/occupants of the property bearing No. 540/1 to 540/22, Nai Basti Kishan Ganj, Delhi 110007 with mobile whatsapp number, mobile number, email ID, aadhar card, voter card numbers and Caste Certificate.

ii. Pass a writ/order/direction/instruction in the nature of mandamus in favour of the petitioner and against the respondents thereby direction the respondents jointly and severally to grant the police protection to the petitioner whenever the petitioner visits the property bearing No. 540/1 to 540/22, Nai Basti, Kishan Ganj, Delhi.

iii. Any other order/relief/direction may also kindly be passed in favour of the petitioner as this Hon'ble Court may deems fit, just and proper according to the facts and circumstances of the present case. ”

2. It is submitted by the counsel for the petitioner that petitioner on the basis of the documents i.e General Power of Attorney, Agreement to Sell, Affidavit etc, has purchased the land measuring 3180 sq. yds bearing Khasra No.459-460 known as Nai Basti, Kishan Ganj, Delhi on 24.09.2009. The property in question is occupied by old tenant inducted by the erstwhile owner according to the petitioner and most of the property is occupied by the persons pertaining to the SC and ST Community and whenever the petitioner and his authorized agents visit the said property then men, women and girls, who are occupying the tenanted premises surrounds the petitioner and his authorized



representative and give them threats of false implications in different cases.

3. It is submitted by the counsel for the petitioner that the petitioner has right to know the full particulars of the tenants and the occupiers of the suit property with their parentage, permanent residential address, Adhar Card number, voter card number, mobile number and e-mail and further argued that the respondents, specifically respondent no.4-SHO Gulabi Bagh be directed to prepare a verification report in respect of the tenants/occupants of the property in question.

4. Learned Additional Standing Counsel on behalf of the respondents submitted that it is for the petitioner who is the owner of the property and he has to give the entire details of the tenants and occupants of the property to the police for the verification and not vice-versa. He has placed reliance upon the order dated 11.09.2021 passed by the Assistant Commissioner of Police, Sub-Division Sarai Rohilla.

5. The relevant para of the said order reads as follows:

“Now, therefore, in exercise to the powers conferred upon The Commissioner of Police, Delhi by Section 144 Criminal Procedure Code, 1973 (No.2 of 1974) read with Govt. of India, Ministry of Home Affairs, New Delhi’s



*Notification No. U-11036/(i) UTL, dated 01/07/1978 and further delegated to the undersigned vide Govt. Of India, Ministry of Home Affairs, New Delhi's Notification No. F-11036/I/2010-UTI dated 09/09/2010. I, **Rakesh Kumar Tyagi**, Assistant Commissioner of Police, Sub-Division Sarai Rohilla, North District, Delhi do hereby make this written order that no **landlord/owner/person** of any house property which falls under the jurisdiction of area of Police Stations mentioned above, shall let/sublet/rent out any accommodation to any person unless and until he has furnished the particulars of the said tenant (s) to the Station House Officer of the Police Station concerned. All persons who intend to take accommodation on rent shall inform in writing in this regard to the Station House Officer concerned in whose jurisdiction the premises fall. The persons dealing in property business shall also inform in writing to the Station House Officer concerned in whose jurisdiction the premises fall about the particulars of the said tenants."*

6. Therefore, keeping in view the above-said order, no such directions are required to be given to the respondents. Any such order in the light of the circular mentioned herein above would be like putting a cart before the horse. Rather it is for the petitioner who has purchased the property from the erstwhile owner to provide the details of the occupants and tenants which he would have received at the time of purchase of the property in question and only once he provides the details of the tenants and occupants then their antecedents can be verified. It is not for the respondents to go and check for the antecedents of the tenants



and occupants of the property of the petitioner. There is no merit in the petition, and the same is accordingly dismissed.

RAJNISH BHATNAGAR, J

APRIL 27, 2022/ib

