



\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 22.08.2023

+ W.P.(C) 9426/2016
 CAPITAL LAND BUILDERS PVT. LTD.

..... Petitioner

Through: Mr.T.K. Ganju, Sr. Adv. with
 Mr.Aquib Ali & Ms.Amreen
 Khaliq, Advs.

versus

DIVISIONAL COMMISSIONER, GOVT. OF NCT OF
 DELHI & ORS

..... Respondents

Through: Mr.Vivek Sharma, Adv. for R-5
 to R-14.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner praying for following relief:-

“A. Issue a Writ/Order/Direction in the nature of Mandamus thereby directing the Respondents to cancel all Sale Deeds the details of which are stated in Para 1 of the Petition above and as declares non-est by the orders of this Hon'ble Court dated 20/04/2009 and affirmed by the Hon'ble Division Bench vide order dated 06/11/2009 and the Hon'ble Supreme Court vide order dated 19/03/2010 rejected by the Respondents vide impugned letter dated 25/01/2016;

B. Issue Writ/Order/Direction in the nature of Mandamus thereby directing the Respondents to provide cancellation numbers to the Petitioner upon cancelling the aforesaid Sale Deeds as stated in Para 1 of the Petition;”

2. It is the case of the petitioner that various litigations with respect to the properties in dispute, details whereof have been



given in paragraph 1 of the petition, are pending adjudication before this Court and before the Court of the learned Additional District Judge-03, Shahdara, Karkardooma Courts, Delhi. In the said suits, there are *interim* orders passed against the defendants since 06.10.2006, directing the defendants in the Suits to maintain *status quo* in respect of the Suit Properties, that have been detailed in paragraph 1 of this petition. The petitioner claims that in spite of the said restraint, the properties were transferred by way of execution of the Sale Deeds, which was subsequently challenged by the petitioner herein in form of Civil Suits. The petitioner claims that these Sale Deeds have been declared as a nullity vide order dated 20.04.2009 passed in IA Nos. 4764/2008, 3329/2008 and 6938/2007 in CS(OS) No. 1906/2006 titled ***Capital Land Builders (Pvt.) Ltd. & Ors. v. M/s Shaheed Memorial Society & Ors.*** The learned senior counsel for the petitioner submits that the above order was upheld by the Division Bench of this Court, as also by the Hon'ble Supreme Court. He prays that, therefore, the Sale Deeds be declared null and void.

3. On the other hand, the learned counsel for the respondent nos.5 to 14 submits that the issue raised by the petitioner herein is pending adjudication in various Suits, on which *inter alia* by an order dated 25.01.2022, issues have been framed, including on the validity of the Sale Deeds and whether the said respondents can be stated to be the *bona fide* purchasers of the properties in dispute. He denies the claim of the petitioner herein that the Sale Deeds have already been declared a nullity



by the orders referred to by the learned senior counsel for the petitioner.

4. Be that as it may, the learned counsel for the respondent nos.5 to 14 does not deny that there are *interim* orders operating against the said respondents, directing them to maintain *status quo* with respect to the suit properties.

5. In that view of the matter, and to protect the interest of the parties as also to put general public to notice that there are litigations which are pending with respect to the suit properties, it is directed that the respondent nos.1 to 4 shall make a due endorsement of the pendency of the Suits and the *interim* orders passed therein, in the record of the suit properties, as mentioned in paragraph 1 of the Writ Petition, maintained by them.

6. The present petition is disposed of in the above terms.

7. It is made clear that this Court has not expressed any opinion on the merits of the submissions made by the learned senior counsel for the petitioner and the learned counsel for the respondent nos.5 to 14 on the *inter se* dispute between them, which is pending adjudication before this Court and before the learned District Court.

8. The petitioner shall be at liberty to communicate this order to the respondent nos.1 to 4 along with the copy of the Writ Petition, to take necessary action.

9. *Dasti.*

NAVIN CHAWLA, J

AUGUST 22, 2023/rv/ss

Signature Not Verified

Digitally Signed By: SUNIL

Signing Date: 24.08.2023

19:37:29

W.P.(C) 9426/2016