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

+ **W.P.(CRL) 299/2022 & CRL.M.A. 2711/2022, 5151/2022**

BEENA SHARMA & ANR.

..... Petitioners

Through: **Ms. Neha Jain, Advocate.**

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: **Mr. Yasir Rauf Ansari, ASC for the State with Mr. Alok Sharma and Mr. Vasu Agarwal, Advocates with SI Naveen Kumar, PS: Mehrauli.**

Mr. Vishal Maan and Mr. Kartik Dabas, Advocates for R-4 and R-5.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.04.2024

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1. This writ petition has been filed on behalf of the Petitioners under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking the following reliefs:-

“(a) issue an appropriate writ, order or direction, in the nature of Writ of Mandamus thereby directing the Respondent no.1-3 to pass an order against the respondent no. 4 and 5 under Section 145 CrPC and take cognizance of the complaint of the Petitioner;

(b) Issue appropriate writ, order or direction in the nature of Writ of Mandamus thereby directing the Respondent No.2 to restrain Respondent No. 4 and 5 from illegally encroaching and constructing upon the land falling in Khasra No. 202 which is part of the land of the Petitioner;

(c) issue an appropriate writ, order or direction thereby directing the respondent no.1-4 to carry out demolition of the illegal structure/construction being raised on land belonging to the Petitioner and restore their possession;”

2. Ms. Jain, learned counsel for the Petitioners, at the outset, states that



she does not press the reliefs claimed herein and will take recourse to civil remedies. She, however, seeks a direction for disposal of Petitioners' representation dated 09.12.2021 pending before the Sub-Divisional Magistrate, District South, Saket, Delhi, in a time bound manner.

3. Learned counsel for Respondents No. 4 and 5 raises an objection to the maintainability of the representation.

4. Learned ASC appearing on behalf of the State submits that the representation will be disposed of within a period of four months from today and decision will be communicated to the Petitioners.

5. Petition is accordingly disposed of as withdrawn, granting liberty to the Petitioners to take recourse to appropriate remedies with regard to reliefs claimed in the present petition, in accordance with law.

6. The concerned SDM is directed to dispose of the representation dated 09.12.2021 within a period of four months from today, after giving a personal hearing to the complainant and the other stakeholders. Needless to state that the objection of maintainability of the representation will also be considered. The decision shall be communicated to the Petitioners herein, who shall be at liberty to take recourse to appropriate remedies, in case of any surviving grievance.

7. Pending applications also stand disposed of.

JYOTI SINGH, J

APRIL 29, 2024/shivam