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

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+ CONT.CAS(C) 1071/2022

AJAY KISHORE SHARMA

..... Petitioner

Through: Ms. Vanita Chauhan, Advocate for
Ms. Sonia A. Menon, Advocate

versus

RAM NARAYAN & ANR.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for State
with Insp. Vikas Dabas, PS: Prasad Nagar and
Insp. Ram Narayan, New Delhi District.

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+ W.P.(CRL) 2062/2022

AJAY KISHORE SHARMA & ORS.

..... Petitioners

Through: Ms. Vanita Chauhan, Advocate for
Ms. Sonia A. Menon, Advocate

versus

STATE & ORS.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for State
with Insp. Vikas Dabas, PS: Prasad Nagar and
Insp. Ram Narayan, New Delhi District.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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19.03.2024

W.P.(CRL) 2062/2022 & CRL.M.A. 13553/2023

1. This petition has been filed by the Petitioners claiming themselves to be family members of late Ms. Manju Sharma, D/o Mr. Jagdish Bihar Kishore, who expired on 25.08.2022 at her residence 6084, Dev Nagar, New



Delhi, seeking the following reliefs:-

“a. direct to Respondents to handover the keys of property bearing no 6083, Gali No- 1, Block No-2, Dev Nagar, Karol Bagh, New Delhi-110005 as the same have been illegally retained by the Respondent No 3, being the IO of DD No 50-A dated 25.08.2022, P.S. Prasad Nagar.

b. Direct the Respondent No 1 to proceed against the Respondent No 2 & 3 departmentally for acting without authority and deliberately causing harassment to the Petitioners;

c. Direct the Respondents to pay compensation to the Petitioners for having caused harassment and agony to the Petitioners;

d. pass any other order(s) as this Hon'ble' Court may deem fit in the facts and circumstances of the case and in the interest of justice.”

2. It is an undisputed position between the parties that the real bone of contention between the Petitioners and the Respondents was that the keys of property bearing No. 6083, Gali No- 1, Block No-2, Dev Nagar, Karol Bagh, New Delhi-110005 was illegally retained by Respondent No. 3 being the IO of DD No. 50-A dated 25.08.2022, PS: Prasad Nagar.

3. Mr. Bhandari, learned ASC appearing on behalf of the State submits that the body of late Ms. Manju Sharma was found at her residence, which was locked and being an unclaimed property, the keys were retained by the IO. He submits that in these facts and circumstances, keys cannot be handed over until a Court of competent jurisdiction declares title and ownership of the property in favour of the claimants. To support this plea, reliance is placed on Section 66(1)(a) of the Delhi Police Act, 1978 ('the Act'), which provides that it shall be the duty of every police officer to take temporary charge of all unclaimed property found by or made over to him and Section 68 of the Act which provides that the Commissioner of Police on being satisfied of the title of any claimant to the possession or administration of the property specified in the proclamation issued under Section 67(1) of the



Act, order the same to be delivered to him, after deduction or payment of the expenses incurred by the Delhi Police in the seizure and detention thereof. It is therefore urged that the Police has only discharged its obligation under the statutory provisions and no fault can be found with the action of retaining the keys of the premises in question.

4. Learned counsel for Petitioners, on the other hand, submits that the conundrum of the premises being unclaimed is now resolved. It is stated that the Petitioners had filed a petition under Sections 264 and 276 of the Indian Succession Act, 1925 on the basis of a Will dated 27.10.2021, executed by the testator late Ms. Manju Sharma, whereby she had bequeathed her house bearing No. 6083, Gali No- 1, Block No-2, Dev Nagar, Karol Bagh, New Delhi-110005 in favour of the Petitioners herein. The Will was attested by two attesting witnesses. By a judgment dated 02.03.2024, the petition was allowed by the Additional District Judge-06, Tis Hazari Courts, Delhi observing that the Will had been proved and no suspicious circumstances surrounding the Will were found. Both witnesses were examined and the Court held that there was no legal impediment in grant of Letter of Administration in respect of the Will on payment of court fees and administration bond. The Court directed that Letter of Administration be issued in favour of the Petitioners, who shall jointly administer the undivided property. It is further submitted that post the judgment, Petitioners filed the court fees and the administration bond, which were verified and by order dated 12.03.2024, the Court directed the issuance of Letter of Administration in favour of the Petitioners and therefore, there is no dispute to the succession of the Petitioners to the property in question and Petitioners are entitled to the keys so that possession can be taken over.



Copies of the judgment dated 02.03.2024 and order dated 12.03.2024 have been handed over in Court and are taken on record.

5. In view of the aforesaid, Mr. Bhandari states that it is open to the Petitioners to approach the DCP, Central District with certified copies of the judgment and the order granting Letter of Administration and after verification of the authenticity of the copies, the keys shall be handed over to the Petitioners.

6. Accordingly, this petition is disposed of granting liberty to the Petitioners to approach the DCP, Central District and furnish copies of the judgment dated 02.03.2024 and order dated 12.03.2024 and/or any other document that may be necessary. Original certified copies shall also be carried so that verification of the genuineness and authenticity of the documents can be done by the concerned DCP. If the documents are found in order, keys of the premises shall be handed over to the Petitioners after verification of their identification documents, under acknowledgement. No further order is required to be passed in the present petition. It is however made clear that this Court has not expressed any opinion on the genuineness of the documents handed over in Court today and it would be for the concerned officer to carry out the necessary enquiry and verification. Pending application is accordingly disposed of.

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7. Learned counsel for Petitioner states that Contempt Petition is rendered infructuous.

8. Petition is disposed of as infructuous.

JYOTI SINGH, J

MARCH 19, 2024/kks/shivam