



\$~154

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

+ **W.P.(C) 11839/2024 & CM APPL. 49303/2024**

KESHAV SHARMA AND ORS.

.....Petitioners

Through: Mr. Dhananjai Jain, Advocate.

versus

DISTRICT MAGISTRATE(KAPASHERA) & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.08.2024

%

1. Petitioners have filed the petitions for executing orders passed by the Delhi RERA Authority.¹ In the said proceedings, an application for attachment of property was filed before the Respondent No. 2– SDM, Dwarka, for seeking directions for attachment of immovable property/ land owned by Delhi Heights Multi State CGHS Ltd.²

2. Pursuant thereto, Respondent No. 2 issued Warrant of Arrest under Section 138 of Delhi Land Reforms Act, 1954³ to arrest Mr. Shurendra Kumar Das, President and other board members of Delhi Heights. Subsequently, on 20th September, 2023, Attachment Order under Section 136 of the Act was issued, attaching the shares of Delhi Heights and prohibiting them from transferring or altering the status of the properties. On

¹ “RERA”

² “Delhi Heights”

³ “the Act”



27th January, 2024, another Attachment Order under Section 136 of the Act was passed, attaching a parcel of land at village Malikpur Zer, New Delhi. Further, on 09th February, 2024, Respondent No. 2 passed another order directing SDM (Najafgarh) to attach the properties for recovery in various matters issued by RERA concerning Delhi Heights. In terms thereof, on 28th February, 2024, status report was also filed before RERA indicating the steps undertaken. Another status report to this effect was also filed before RERA on 21st May, 2024.

3. Despite all these aforementioned actions being undertaken, Petitioners allege that Respondents are not taking any action for recovery of amount due to Petitioners. In such circumstances, they pray for a further direction to Respondent No. 2 to immediately enforce the recovery certificate for realisation of the decretal amount.

4. The Court has considered the aforementioned facts but finds the petition to be completely misconceived. The facts narrated and the actions taken by Respondent No. 2 clearly indicate that appropriate steps are being undertaken in accordance with law. It may be another matter that such steps may not result in Petitioner's receiving their dues. Be that as it may, since adequate measures are being undertaken by Respondents, the Court finds no ground to issue directions sought in the present petition.

5. Accordingly, the petition, along with pending application, is dismissed.

SANJEEV NARULA, J

AUGUST 28, 2024/d.negi