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

+ **W.P.(C) 15034/2024, CM APPL. 63065/2024**

ASHA JAIN & ANR.

.....Petitioners

Through: Ms. Indira Goswami, Mrs. Reetesh
Agarwal, Mr. Ravi Mittal and
Mrs. Poonam Singh, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION & ORS.

.....Respondents

Through: Mr. Rajesh Kumar, SPP with
Mr. Yash Narain and Ms. Mishika
Pandita, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.10.2024

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1. The Petitioners asserts that they are the owner of the property bearing No. B-179, Ramprastha, Ghaziabad, Uttar Pradesh¹. Through the present writ petition, the Petitioners *inter-alia* seek directions to be issued to Respondent No. 1 – the Central Bureau of Investigation² to remove the subject property from their list of attached properties. The main grievance of the Petitioners is that even though the subject property was purchased by them much prior to the registration of a case against the erstwhile owner, CBI has included the subject property in the list of disproportionate assets of

¹ “Subject property”

² “CBI”



the erstwhile owner. Thus, the Petitioners contend that due to the arbitrary actions of the CBI, they are now unable to register a gift deed in respect of the subject property.

2. The Court has perused the material on record and in this regard, it is noted that the embargo on registration of any title document with respect to the subject property emanates from a judicial order dated 29th April, 2019, passed by this Court in Crl. A. 1147/2012.

3. In light of the above, in the opinion of the Court, since the restriction on registration is on account of a judicial order, the prayer sought in the present writ petition, to the effect of directing Respondent No. 1 to remove the said property from the list of attached properties, cannot be entertained by this Court in exercise of writ jurisdiction under Article 226 of the Constitution. Moreover, any underlying dispute regarding title over the subject property would necessarily involve adjudication of disputed questions of fact, which would entail a thorough examination of claims of the parties, including evaluation of evidence to this effect. Therefore, such contentious issues cannot be examined by this Court in the writ jurisdiction.

4. At this juncture, counsel for the Petitioner states that she would like to withdraw the present writ petition with liberty to file an appropriate application in Crl. A. 1147/2012, seeking appropriate directions.

5. Accordingly, the writ petition is dismissed as withdrawn with liberty as aforesaid. The pending applications are also disposed of.

SANJEEV NARULA, J

OCTOBER 25, 2024/nk