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

+ **W.P.(CRL) 3778/2024 & CRL.M.A. 36313/2024**

ST MARYS SOCIETY

.....Petitioner

Through: Mr. Sebastian, Adv.

versus

COMMISSIONER OF POLICE DELHI & ANR.Respondents

Through: Mr. Sanjay Lao, SC (Crl.), Ms.

Priyam Agarwal, Mr. Abhinav Kr.

Arya, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **03.12.2024**

1. This hearing has been done through hybrid mode.
2. The present writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner - St. Marys' Educational Society, seeking issuance of a writ in the nature of *habeas corpus* for tracing the Respondent No. 3 - Shri. Mukesh Tyagi.
3. The case of the Petitioner Society is that they own certain lands in Ibrahimpur Village, Burari, North Delhi, which are alleged to have been purchased in 2002. According to the Petitioner Society repeated attempts have been made by Respondent No. 3 to illegally occupy or take possession of the said lands. Respondent No. 3 is also claiming rights over the said lands.
4. The Petitioner Society is stated to have approached the concerned Police authorities on several occasions against the alleged illegal actions of



the Respondent No. 3, however, no steps have been taken to stop the Respondent No. 3 from harassing the Petitioner Society. The present writ has been filed on behalf of the Petitioner Society seeking a writ of *habeas corpus* to ascertain the whereabouts of Respondent No. 3 - Mr. Mukesh Tyagi whose identity is not within the knowledge of the Petitioner.

5. Today, a status report dated 3rd December, 2024, has been handed over by Mr. Sanjay Lao, Id. Counsel for the State and the same is taken on record. As per the said report, Respondent No. 3 - Mr. Mukesh Tyagi, has joined the inquiry and has submitted the documents on the basis of which he is claiming rights over the aforesaid lands.

6. The Id. Counsel for the Petitioner Society also submits that they are willing to join the investigation. However, it is made clear that the parties would have to avail of their remedies in accordance with law in respect of the title to the aforesaid lands, if any.

7. The address along with the mobile number of Respondent No. 3 - Mr. Mukesh Tyagi, as contained in the status report, has been provided to the Petitioner Society.

8. In view of the above, no further orders are called for in this writ petition.

9. The present writ petition is disposed of in above terms. All pending applications are disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

DECEMBER 03, 2024/ kr/ms