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

+ **W.P.(C) 17299/2024**

RITU SAXENA & ANR.

.....Petitioners

Through: **Mr. R. R. Bag, Mr. Rajbeer and Mr. Sujeet Kumar, Advocates.**

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: **Mr. Jivesh Kumar Tiwari, SPC with Ms. Samiksha, Advocate for R-2 to 4. Ms. Hetu Arora Sethi, ASC with Mr. Arjun Bara, Advocate for R-1 & 5. Mr. Prashant Manchanda, ASC with Ms. Nancy Shah and Ms. Isha Baloni, Advocates for GNCTD. SI Anup Rana, PS: Paschim Vihar West.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.12.2024

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1. Petitioner No. 1 along with her minor son, Petitioner No. 2, has filed the present proceedings alleging that they have been locked out from the property which is in the name of her late husband¹. The ownership of the subject property is sought to be established by way of a registered sale deed in the name of Petitioner No. 1's late husband.

2. In the instant writ petition, allegations are made against Respondent No. 6, who is allegedly the sister-in-law of Petitioner No.1. Petitioner No. 1 alleges that Respondent No. 6 is restricting the Petitioner's entry into the

¹ "subject property"



subject property and she poses a threat to the life and liberty of the Petitioners.

3. Petitioner No. 1 urges that as a widow she cannot be unlawfully prevented from entering into the subject property. It is alleged that soon after the death of husband of Petitioner No. 1, she discovered that Respondent No. 6 has unlawfully locked her out of the house and threatened her life if she attempted to reclaim the subject property. This act of intimidation, according to Petitioner No. 1, violates her rights and control over the subject property. She places reliance on the title documents to assert her title over the property.

4. In the above background, the Petitioners invoke Article 21 and 300A of the Constitution of India for seeking the following prayers:

- “1. Direct the respondent to ensure the petitioners to make entry into the house in the name of Petitioner no. 1 husband Late Shri Kumar Vaibhav by way of registered sale deed holder of the property i.e., Flat No. 29, GH-14, Paschim Vihar Delhi-110087. and protect the petitioner’s right to life and personal liberty under article 21 and 300A of Indian constitution.*
- 2. Directing the Station House Officer (S.H.O.) of Paschim Vihar police station to file the action taken report/status report on the complaint filed by the Petitioner dated 26.07.2024.*
- 3. Granting immediate interim relief in the form of protective orders to ensure the safety and well-being of the Petitioner and her son, Vansh Narayan Saxena, against any threats or acts of violence from the Respondents.*
- 4. Directing the police to take necessary steps to prevent the Respondents from using forged documents to sell or transfer ownership of the property in question, and to safeguard the Petitioner’s rights as the legitimate survivor of Late Shri Kumar Vaibhav.”*

5. Mr. Jivesh Kumar Tiwari, SPC representing Respondents No. 2 to 4 - Delhi Police, states that the police authorities do not have the power to decide the question of possession of the subject property or to re-instate the



Petitioners or ensure their entry into the subject property. For this reason, Respondents No. 2 to 4 have not taken any action on the complaints filed by the Petitioner No. 1.

6. Considering the above, the questions of whether Petitioner No. 1 was indeed in possession of the subject property, as asserted by her and/or whether she has been unlawfully restricted from entering the said property, are questions involving serious factual disputes which are purely arising between Petitioner No. 1 and Respondent No. 6. As such, these questions ought to be adjudicated before a civil court of competent jurisdiction in appropriate proceedings. In such circumstances, merely on the basis of the title documents relied upon by Petitioner No. 1, the Court is unable to find any ground to exercise its extraordinary jurisdiction under Article 226 of the Constitution, by directing the Respondents to ensure the Petitioners entry into the subject property.

7. It is clarified that Petitioners' rights to avail appropriate civil remedies are reserved. The Court has not commented on the merits of the case and all rights and contentions of parties to that extent are reserved.

8. With the above directions, the present writ petition is disposed of.

SANJEEV NARULA, J

DECEMBER 16, 2024

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