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

+ W.P.(C) 17390/2024 & CM APPL. 74039/2024

MOHD. ASLAM

.....Petitioner

Through: Mr. Sushil Kumar Jain, Adv.

versus

GOVT.OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Lalitaksh Joshi and Ms.

Ananya Sarogi, Adv. for R-1

Mr. Sharique Hussain, Adv. for R-

2

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.12.2024

1. The petitioner has filed this petition under Article 226 of the Constitution of India, seeking quashing of proceeding No. EX/270/2020, which is pending in the Court of learned Senior Civil Judge, South-East, Saket Courts Complex, New Delhi.

2. The petitioner claims to be the owner of property *No. E-67/A Old Jasola Village, New Delhi- 110062*. It is his contention that the execution proceedings have been wrongly initiated against him in respect of a Lok Adalat Award dated 09.12.2018.

3. The proceedings before the Special Lok Adalat arose out of an electricity bill dated 11.12.2014 issued by the respondent in the name of one Samu, in respect of the same property. The matter was referred to the Lok Adalat, wherein Samu was represented by his representative, Late Sabnoor Begum, as noted in the order of the Lok Adalat. The dispute was settled for the sum of ₹ 60,000/-, out of which ₹ 10,000/- was paid, and the respondent has instituted the subject execution proceedings for the



balance of ₹ 50,000/-.

4. Although it is now contended by the petitioner that he had nothing to do with Mr. Samu, it is not disputed that Late Sabnoor Begum was the petitioner's mother. An averment to this effect is found in paragraph 4 of the writ petition, and her AADHAR Card has also been annexed to the writ petition at Annexure P-2. Admittedly, the address of the premises concerned, in the Lok Adalat Award, and the petitioner's address in the memo of parties, are also the same.

5. However, learned counsel for the petitioner submits that there are several houses in the area with the same address.

6. From the aforesaid facts, it is evident that disputed questions of fact arise herein, both regarding the identity of the property in question, and regarding the petitioner's liability to pay under the award. These are not capable of adjudication in summary writ proceedings. The petitioner has also not availed of his remedies against orders passed in the execution proceedings, as available in law.

7. At this stage, learned counsel for the petitioner seeks permission to withdraw the writ petition, with liberty to take such alternate remedy as may be available to him in accordance with law.

8. The petition is dismissed as withdrawn, with liberty as aforesaid. It is made clear that this Court has not made any observations on the maintainability or merits of any such alternative remedy.

PRATEEK JALAN, J

DECEMBER 18, 2024/tp/JM/