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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2617/2025 and CM Nos.12433/2025 and 12434/2025**

MUNICIPAL CORPORATION OF DELHIPetitioner
Through: Mr Nipun Arora and Mr Shivender
Gupta, Advocates.

versus

VAISH COOPERATIVE ADARSH BANK LTD.
& ORS.Respondents
Through: Mr Surender Chauhan, Advocate for
R-1.
Ms Harshita Nathrani, Advocate for
Mr Sameer Vashisht, Standing
Counsel for GNCTD/R-12, 13 and
15.
Ms Pratima N. Lakra, CGSC for R-
14.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
03.03.2025

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1. The petitioner has filed the present petition, *inter alia*, praying as under:

- “A. Set aside the warrant of attachment dated 07.02.2024 issued by the Respondent No. 13 attaching the property situated at “Khasra No.21, Village Toot Sarai, Malviya Nagar Tehsil Hauz Khas District South, New Delhi admeasuring 600 sq. yards”;
- B. Set aside/quash proceedings before the Respondent No. 13 *qua* the Petitioner herein pertaining to case numbered Execution Case No. 556 of 92-93;
- C. Direct the Respondent Nos. 12 & 13 to ensure that the official case file/any official records pertaining to the case numbered Execution Case No. 556 of 92-93 are



kept in their exclusive custody or of their staff, and are not handed over to private litigants;

- D. Direct the Respondent Nos. 12 & 13 to conduct an inquiry/investigation into the affairs of the Respondent No. 1 as to how a fraudulent loan was sanctioned in favour of the Respondents Nos. 2 to 11/their predecessors-in-interest;
- E. Direct the Respondent Nos. 14 to confirm whether the letter numbered MO(Rul)/D/280 dated 20.02.1978 is genuine or not;
- F. Direct the Respondent no. 15 to provide the copies of *jamabandhi* from the year 1968 as well as the copies of record pertaining to acquisition/development of Khasra No. 21, Area (0-12) Biswa, Village Toot Sarai.”

2. It is the petitioner’s case that the subject land (Khasra No. 21, Village Toot Sarai, Malviya Nagar, Tehsil Hauz Khas District South, New Delhi admeasuring 600 square yards) is a public park and therefore, cannot be attached by the respondent bank for recovery of dues from third parties. The petitioner is contesting the proceedings before the Registrar of Cooperative Societies (RCS) and is not precluded from agitating its grievance before the said authority. The petitioner also has further appellate remedies.

3. In view of the above, we do not consider it apposite to interfere with the proceedings before the RCS.

4. The petitioner also prays that directions be issued to respondent no. 14 to verify the authenticity of the communication dated 20.02.1978 and further also seeks directions for respondent no. 15 to provide copies of *jamabandi* from the year 1968.

5. There is no cavil as far as the said relief is concerned. Accordingly, we direct respondent no. 14 to verify the communication dated 20.02.1978



and inform the same to the petitioner. Respondent no.15 is also directed to provide copies of *jamabandi* as available in respect of the subject land to the petitioner within a period of six weeks from date.

6. The petition is disposed of in the aforesaid terms.
7. We clarify that all rights and contentions of the parties are reserved.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 03, 2025
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Click here to check corrigendum, if any