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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5314/2025

NAVEEN KUMAR GUPTA

.....Petitioner

Through: Mr. Abhijat Bal, Sr. Adv. with Ms. Mallika Gupta and Mr. Abhishek Kumar, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jitesh Vikram Srivastava, SPC with Mr. Prajesh Vikram Srivastava, Advs.
Mr. Santosh Kumar Rout, SC for SBI/R-3 & R-4.
Mr. Tushar Sannu and Ms. Ishika Jain, Advs. for R-10/DDA.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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11.07.2025

CM APPL. 24226/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed seeking following relief:
 - i. Issuance of writ, order, direction thereby directing the Respondent No. 3 Bank to release the charge of Property bearing no. 106, Block and Pocket A-3, Sector 7, Rohini and handover peaceful possession of the same to the Petitioner.
 - ii. Pass an order for restoration of possession of the Property in question in favour of the Petitioner;
 - iii. Issue an order to initiate a thorough vigilance inquiry into the actions and conduct of Respondent No. 3,4 and 5 as well as the



Bank Managers, the Sub-Registrars and officials of DDA Authority, in order to investigate the matter.

iv. Issue an order directing Respondent No. 1, 2, 3, 4 and 5 to pay appropriate compensation or damages amounting to Rs. 50 lakhs, as restitution for the mental agony, emotional distress, and harassment caused to the Petitioner due to the Respondent No. 3 actions.

4. Mr. Abhijat, the learned Senior Counsel for the petitioner submits that the petitioner is a *bona fide* purchaser of LIG Flat No-106/1, First Floor, Pocket-A-3, Sector-7, Rohini, New Delhi -110085 which was allotted by the DDA to one Mr. Harish Purohit in the year 1999. Thereafter, the petitioner had purchased the said property from Mr. Harish Purohit in the year 2000 *vide* valid documents.

5. Subsequently, the Conveyance Deed was executed by the DDA in favour of the petitioner in the year 2010. However, the conveyance deed was forged by one Mr. Vinay Kalsi on the strength of which he sold it to some non-existent person who obtained loan from three different banks i.e. respondent nos. 3 to 5. He submits that the petitioner at no point of time had taken any loan. Mr. Abhijat, however, fairly states that the petitioner had filed Securitization Applications being SA nos.326/2013 and 179/2022.

6. He submits that the said SAs were dismissed by the learned DRT-3, *vide* order dated 02.08.2023 and the petitioner assailed the said order by preferring an appeal (RA No. 228/2023) before the learned DRAT which is stated to be still pending, and the next date of hearing is 09.09.2025.

7. Since, the petitioner has already availed a remedy seeking similar relief by filing SA before the learned DRT, which was dismissed and an appeal preferred there against is stated to be pending before the learned



DRAT, therefore, the present petition, in the view of this Court, is not maintainable.

8. Accordingly, the petition is dismissed. However, the petitioner is at liberty to mention the matter before learned DRAT for expeditious disposal of the pending appeal i.e. RA No.228/2023.

VIKAS MAHAJAN, J

JULY 11, 2025/dss