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

+ **W.P.(C) 5325/2025**

NASREEN AHMED & ANR.

.....Petitioners

Through: **Mr. Absar Ahmad, Adv.**

versus

THE CUSTODIAN OF ENEMY PROPERTY FOR INDIA

.....Respondent

Through: **Mr. Syed Abdul Haseeb, Adv.**
(through v/c)

Mr. Varun Talwar and Ms. Sanya Arora, Law Officers (through v/c).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **25.04.2025**

CM APPL.24266/2025 (Exemption)

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

W.P.(C) 5325/2025

3. The limited relief sought by the petitioner in the present case is that the respondent be directed to decide the representation dated 10.03.2025, filed by the petitioners. The same has been filed as Annexure-A to the present petition.

4. The background of the present petition is that one Late Sh. Hafiz Abdul Khaliq was the owner of several properties, as stated in the present petition, being (hereinafter '*the subject property/ies*') –

- i. Properties No. 5530/1, (First Floor Western Side Part) 5531, 5532, 5533, 5534, 5534/1, 5534/2, 5535, 5535/1, 5562, 5563, 5564, 5565,

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5566 and half portion of Shop No. 5567 beneath common staircase bearing No. 5530 situated at Gandhi Market, Ward No. XIII, Sarai Hafiz Banna, Sadar Bazar, Delhi.

- ii. Property bearing No.5453, 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5461, 5462, 5463, 5464, 5465, 5465/1, 5466, 5466/1, 5466/2, 5467, 5468 and common staircase of 5469 (Western side) situated at Gandhi Market, Ward No. XIII, Sarai Hafiz, Sadar Bazar, Delhi.
 - iii. Property bearing No. 2870-71, Katra Rang Mahal, Ward No. XI, Kucha Chalan, Darya Ganj, Delhi
 - iv. Property No. 5494 comprising 5 shops and 6 toilets at Ground Floor, 7 shops at First Floor, 5 shops at 2nd Floor and 5 shops at 3rd Floor and one tin shed on remaining 3rd Floor, Gandhi Market 5493/1, 5493/2, 5493/3 comprising 2 halls each at 1st, 2nd and 3rd Floor at Gandhi Market, Ward No. XIII, Sadar Bazar, Delhi.
5. Late Sh. Hafiz Abdul Khaliq passed away on 25.09.1952, survived by 5 sons and 4 daughters. Thereafter, one of the daughters of Late Sh. Hafiz Abdul Khaliq – Smt. Malika Bi passed away on 10.03.1987, survived by 6 sons and 3 daughters. One of the sons of Smt. Malika Bi – Sh. Maqbool Ahmed expired on 05.08.2009, survived by the petitioners and one Sh. Kamal Ahmed. The petitioners are the great grandchildren of Late Sh. Hafiz Abdul Khaliq and have become the joint owners of shares in the properties earlier owned by Late Sh. Hafiz Abdul Khaliq. Over the years, the other co-owners / heirs of Late Sh. Hafiz Abdul Khaliq have migrated to Pakistan and their share in the subject property/ies is stated to be held by the Custodian of Enemy Property (respondent).

6. It is in the above factual conspectus that the representation dated

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10.03.2025 came to be submitted by the petitioner before the respondent. By way of the said representation, the petitioners have sought for a partition of the subject property/ies and a determination thereof if the respondent has any share in the subject property/ies.

7. However, aggrieved by receiving no response to the aforesaid representation, the present petition has been filed.

8. Issue notice.

9. Learned standing counsel, as aforesaid, accepts notice on behalf of the respondent.

10. Learned Standing Counsel appearing for the respondent submits that the aforesaid representation submitted by the petitioner, shall be decided as expeditiously as possible.

11. Let the respondent/s make an endeavour to dispose of the said representation within a period of six weeks from today, by way of a reasoned order.

12. If any documents are sought from the petitioner by the concerned respondent/s for the purpose of deciding the representation, the same shall be duly provided by the petitioner.

13. Needless to say, this order shall not be construed as an expression of opinion of this Court on the merits of the controversy.

14. The petition is disposed of in the above terms.

SACHIN DATTA, J

APRIL 25, 2025/cl