



\$~89

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

+ W.P.(C) 5583/2025 and CM APPL.25476/2025 (Stay)

SH. GOPI CHAND

.....Petitioner

Through: Ms. Seema Singh and Ms. Neha
Yadav, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Garg (Panel Counsel)
and Ms. Palak Gupta, Advocates for
R-1.

Mr. Rishi Kant Singh, Advocate for
R-2/DUSIB.

Mr. Varun Chugh, SPC along with
Ms. Shreya Mittal and Ms. Nandita
Mishra, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

%

20.05.2025

1. The present petition has been filed by the petitioner being aggrieved by the actions of the respondent no. 2 in threatening to dispossess the petitioner and his family members from the property bearing No. 2151/11A, New Patel Nagar, New Delhi – 110008.
2. The petitioner, has filed the present writ petition in his capacity as the General Power of Attorney (GPA) of his wife Smt. Janki Kushwaha and daughter Smt. Laxmi Kushwaha.
3. The background of the matter is that the property was originally owned by one Sh. Zile Singh and was transferred to one Baba Atwar Nath @ Itwari Nath, who in turn bequeathed it to Smt. Kamla Nath through a Will dated 15.10.1997.



4. It is submitted that thereafter, Smt. Kamla Nath sold the First Floor (200 Sq. Yards.) of the said property to the petitioner's daughter Smt. Laxmi Kushwaha on 25.11.2016 and 67 Sq. Yards of the Front Portion of the Second Floor of the said property to the petitioner's wife Smt. Janki Kushwaha on 20.02.2017. The Ground Floor of the said property is in possession of Smt. Kamla Nath.

5. Subsequently, disputes arose between Smt. Janki Kushwaha and Smt. Kamla Nath, culminating in the latter dispossessing the former from one room each on the second and third floors of the property in question. In consequence, Smt. Janki Kushwaha instituted two civil suits, CIV DJ No. 478/2020 pertaining to the second floor, and CIV DJ No. 501/2020 concerning the third floor of the property. It is submitted that in both proceedings, Smt. Janki Kushwaha has secured *status quo* orders from the competent civil court. It is further submitted that Smt. Kamla Nath has, in turn, instituted a counter suit *vide* CIV DJ No. 139/2021. All three suits are presently sub judice before the appropriate civil forum.

6. It is submitted that on 27.02.2025, around 14–15 personnel from Delhi Urban Shelter Improvement Board (DUSIB), along with police officials from PS Ranjit Nagar, entered the subject property and began attempting to break open the locks of the property, threatened the occupants to evict the property, and claimed ownership on behalf of DUSIB.

7. When confronted, these officials mentioned that the action was being taken based on an order dated 07.11.2019 passed in Suit No. 742/2018, titled *Jyoti Tomar v. DUSIB & Ors.*

8. However, it submitted that upon research, it was discovered that the order dated 07.11.2019, which purportedly authorized the DUSIB's action,



had already been set aside by the learned ADJ-6, West District, Tis Hazari Courts in RCA No. 11/2020, *vide* order dated 26.03.2024.

9. It is submitted that despite being shown a copy of the said order, DUSIB officials refused to acknowledge it. They further threatened that they would return in full force within a few days to take possession and possibly demolish the property.

10. Being aggrieved with the aforesaid, the petitioner submitted a detailed representation dated 03.03.2025 to DUSIB. However, no response or communication has been received from DUSIB till date.

11. During the course of hearing, learned counsel for the petitioner confines herself to seeking that the respondent no.2/Delhi Urban Shelter Improvement Board (DUSIB) be directed to decide the representation of the petitioner dated 03.03.2025, after affording an opportunity of hearing to the petitioner.

12. Considering the limited nature of the relief sought by the petitioner, the petition is disposed of with a direction to DUSIB to decide the aforesaid representation of the petitioner by way of a reasoned order, after affording an opportunity of hearing to the petitioner.

13. Learned counsel for the petitioner submits that the petitioner has valid title documents in respect of the property, of which the petitioner has been sought to be divested by the DUSIB based on wholly untenable grounds.

14. In the circumstances, it is directed that till the aforesaid representation is decided by way of a reasoned order, *status quo* shall be maintained in respect of the property by all parties.

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

16. Needless to say, if the petitioner is aggrieved with the outcome of the



aforesaid exercise, he shall be at liberty to avail appropriate remedy under law.

MAY 20, 2025/r

SACHIN DATTA, J