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

+ **W.P.(CRL) 1668/2025**

ANIL KUMAR AND OTHERS

.....Petitioner

Through: Mr. Siddharth Batra, Ms. Rhythm Katyal, Ms. Archana Yadav, Ms. Shivani Chawla and Mr. Chinmay Dubey, Advocates.

versus

THE STATE OF NCT OF DELHI AND OTHERS

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for State with ASI Radha Krishan P.S. Maidan Garhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

20.05.2025

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1. A Writ Petition under Article 226 of the Constitution of India read with Section 528 of BNSS has been filed for directing the Respondents to take appropriate action in accordance with law and to take the lawful and peaceful possession of the Petitioners which is under threat from the criminal acts of the private parties.

2. It is submitted in the Petition that Shri Hukumat Rai father of Petitioner No.1 was the owner of the property measuring 4 bighas and 16 biswas Khasra Nos548 (3012), 550(104) situated in village Satbari, Tehsil Mehrauli, New Delhi vide Sale Deed No.5884. His father constructed a



residential house on the property. He died on 03.04.1994 and since then the subject property and the house is in the possession of the Petitioner. The children of the Petitioner were born in the same property. They have been peacefully residing in the house for the last 15 years. None of the brothers of Petitioner No.1 have ever resided in the property in question.

3. In June, 2024 the Petitioners' nephews, out of complete spite and with absolutely mala fide intention, entered the Petitioners' premises with construction material in a bid to raise unauthorized construction and even attempted to disconnect the water supply of the Petitioner in a blatant act of harassment and coercion. Despite calling the Police on that occasion as well, no action was taken.

4. In another non-isolated event of threat and intimidation, the nephew of Petitioner No.1 arrived at their residence on 08.05.2025 accompanied by 20-25 unknown men and a JCB Bulldozer and openly threatened to forcibly dispossess the Petitioners from their lawful residence. This was not a stray outburst but a deliberate, organized attempt to take over the property by force, bypassing all legal processes.

5. On 08.05.2025 shocked and fearing of their lives, the Petitioners' approached Police Station Maidan Garhi and gave a hand written Complaint. Instead of registering an FIR or taking action, the Police shockingly coerced the petitioners' to sign a document reducing it to a mere family dispute.

6. The Petitioners' filed complaint via emails to DCP, South, DCP (Vig.) and Jt. CP Southeastern (Delhi), but no action has been taken.

7. Being under constant fear from third parties and apprehend of their basic rights would be violated and that they would be criminally threatened and intimidated out of their own house without any protection from the



Police Authorities, the present Petition has been filed with a prayer to direct the Respondents to protect the lawful and peaceful possession of the Petitioners' which is under threat.

8. Learned APP on instructions submit that the nephew of Petitioner No.1 has filed a Civil Suit before the Saket Corut in which the Status quo Orders have already been made. The Local Commissioner has also been appointed to ascertain the possession and the status qua the property in question. The Police has already taken action under Section 126/169 of BNSS and both the parties have already been bound down.

9. **Submissions heard.**

10. Considering that essentially it is a dispute in regard to the ownership/possession of the Suit Property, for which civil remedy has already been availed and the Police also has taken whatever action has been merited to the given situation, no further directions are required to be made.

11. The Petition is dismissed and disposed of accordingly along with the pending Application(s).

NEENA BANSAL KRISHNA, J

MAY 20, 2025/va