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

+ W.P.(C) 15875/2022

KAMLESH SHARMA AND ORS.Petitioners

Through: Mr. Gurmeet Bindra, Adv.
versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Syed Abdul Haseeb, CGSC for
UI (through v/c)
Ms. Pratima N. Lakra, CGSC and Mr.
Chandan Prajapati, Adv. for R-1/UI.
Mr. Varun Talwar, Ms. Sanya Arora
and Mr. Sarthak Arora, Advs., Law
Officers, for R-2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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11.03.2025

**W.P.(C) 15875/2022 and CM APPL.14564/2025 (filed on behalf of the
petitioners for directions)**

1. The present petition has been filed by the petitioners raising a grievance that the respondents have taken over the property of the petitioners vide certificate dated 23.06.1972 issued under Section 12 of the Enemy Property Act, 1968 and consequently placed a sign board to this effect on the property in question.
2. It is submitted that the respondents have wrongly laid a claim over the petitioner's share(1/2 Share), in the disputed property situated in Village Barola, Tehsil Dadri, District Gautam Budh Nagar, Uttar Pradesh.
3. It is the case of the petitioners that they are the *bonafide* purchasers and owners in respect of half share in the disputed property, having



purchased the same from an Indian Company i.e. M/s K.G.M. Exports Pvt. Ltd. vide registered sale deeds dated 17.01.1996 and 23.01.1996. It is further submitted that M/s K.G.M. Exports Pvt. Ltd. purchased the said half share in the disputed property from one Mr. Boonda, S/o Mr. Aladiya vide registered sale deed dated 09.04.1987. It is submitted that since the year 1996, the disputed property has been in the possession of the petitioners and their names were also recorded in the revenue record.

4. The occasion to file the present petition arose in the year 2022, on account of the respondent no.2, under instructions of respondent no.1, seeking to disrupt/ dispute the petitioner's entitlement.

5. Vide order dated 17.11.2022, this Court *inter-alia* directed as under:

“1. The instant writ petition raises a question with respect to the action taken by the respondents in treating the entire area comprised in Khata No.3, Plot No.84 (1/2 Share), Khasra Nos. 1131, 1132, 1133 and 1134 situate in Village Baraula, Tehsil Dadri District Gautum Budh Nagar as enemy property.

2. Learned counsel for the petitioners contends that as per the disclosures appearing on the web portal of the Custodian of Enemy Property itself, only half share of the property in question was declared as enemy property. Learned counsel has also referred to the reports submitted by the Revenue officials and on the basis of which it is contended that the portion of the subject property which is occupied by the petitioners does not fall within the contours of the enemy property and the same has been duly demarcated.

3. Learned counsels appearing for the Union respondents pray for time to obtain instructions.

4. In the meanwhile, the respondents shall stand restrained from interfering with or disturbing the possession of the petitioners to the extent noticed above.

5. Although the second respondent is stated to have been placed on advance notice, none has appeared on his behalf when the matter was



called. Consequently, let learned counsel for the petitioner take steps for service upon the said respondent through all permissible modes including via approved service.

6. Let the matter be called again on 21.12.2022.

7. Order dasti.”

6. It is submitted that the petitioners, with a view to resolve the controversy, are desirous of submitting a representation to the concerned authority in the central government.

7. It is the case of the petitioners that it is not challenging the vesting of other half share of Mr. Allamahar and Mr. Rafiuddin in the disputed property with the Custodian of Enemy Property but seeks determination of Mr. Boonda's (who never went to Pakistan and continued to stay in India) share in the subject property from the revenue records before the year 1972 so that the petitioners' property is released, and taken out of the purview of 'Enemy Property'.

8. Considering the facts and circumstances and the aforesaid limited request of the petitioner, the present application, and the writ petition itself, is disposed of with liberty to the petitioner to submit an appropriate representation, under Section 18 of the Enemy Property Act, 1968 to the concerned authority of the central government. The said representation shall be duly considered and a reasoned order shall be passed thereon, after affording an opportunity of hearing to the petitioners.

9. The concerned authority shall necessarily consider the revenue records and / or such other relevant material as may be deemed apposite for the purpose of disposal of the representation.

10. Let the aforesaid exercise be completed within a period of eight



weeks from today.

11. Needless to say, if the petitioner is aggrieved with the outcome of the aforesaid exercise, it shall be at liberty to avail appropriate remedies as may be available under law.

12. The interim stay granted vide order dated 17.11.2022 shall continue till disposal of the representation of the petitioner by the concerned authority.

13. All rights and contentions of the parties are left open to be considered by the concerned authority.

14. This order shall not be construed as an expression of opinion of this Court as regards the merits of respective contentions of the parties.

15. The date earlier fixed i.e. 16.05.2025 stands cancelled.

SACHIN DATTA, J

MARCH 11, 2025/cl