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

+ **W.P.(C) 11765/2024, CM APPL. 48958/2024, 6830/2025 & 6845/2025**

BAPTIST CHURCH TRUST ASSOCIATIONPetitioner

Through: **Mr. Swastik Singh & Mr. Atul Singh, Advocates.**

versus

THE GOVT. OF NCT OF DELHI AND ANRRespondents

Through: **Mr. Rakesh Kumar Singh, Advocate for Mrs. Patricia Ansari in CM APPL. 59434/2024. [M:-9810183600]**

Mr. Tushar Sannu, Standing Counsel for MCD with Mr. Shivam & Mr. Aman Kumar, Advocates for MCD. [M:-9911991166]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **23.04.2025**

CM APPL. 59434/2024 (*Application on behalf of respondent No. 2 seeking impleadment of Municipal Corporation of Delhi and Ms. Patricia Ansari*)

1. The respondent No. 2 has filed this application for impleadment of Ms. Patricia Ansari and Municipal Corporation of Delhi ["MCD"], as respondents in this writ petition.
2. At the outset, respondent No. 2 submits that the request for impleadment of MCD is not pressed.
3. According to respondent No. 2, the proposed respondent is the owner in possession of a neighbouring property, being Property No. 14A,



Alipur Road, Civil Lines, Delhi - 110054. Although the ownership of her property is disputed by the writ petitioner, it is not disputed that the proposed respondent is in possession of the property presently, and the petitioner therefore does not object to her impleadment. Ms. Patricia Ansari has also filed a reply to the application, consenting to her impleadment.

4. Having regard to the above, the application is partially allowed, and Ms. Patricia Ansari, resident of property No. 14A, Alipur Road, Civil Lines, Delhi - 110054, is impleaded as respondent No. 3 to the writ petition. Amended memo of parties has been handed up in Court, and is taken on record.

5. The application stands disposed of.

6. As learned counsel of all the parties are present, the writ petition is taken up for disposal with their consent.

W.P.(C) 11765/2024, CM APPLs. 48958/2024, 6830/2025 & 6845/2025

1. The petitioner has approached this Court under Article 226 of the Constitution, against an order dated 22.11.2023 passed by the Sub-Divisional Magistrate, Civil Lines ["SDM"], allowing an application filed by respondent No. 2 for installation of a gate, allegedly on his property [No. 14, Alipur Road, Civil Lines, Delhi-110054].

2. Notice was issued in this petition on 28.08.2024. The matter travelled to the Division Bench in LPA 893/2024, at the instance of the petitioner, who was aggrieved by the denial of *ad interim* orders. The Division Bench, by an order dated 05.09.2024, noted the submission of the parties, including the submission made on behalf of the Government



of National Capital Territory of Delhi that the impugned order is unsustainable in law, but having regard to the fact that the writ petition was still pending, the appeal was disposed of by advancing the date of hearing, and directing as follows:-

“8. Till further orders, the gate installed by respondent no. 2 shall be kept open from 7 A.M. to 7 P.M. The local Police shall ensure that the direction passed by this Court is implemented forthwith.”

3. Respondent No. 2 [applicant before the SDM], thereafter filed a Special Leave Petition [SLP (C) 22172/2024], which was dismissed by the Supreme Court *vide* order dated 23.09.2024, recording that the impugned order was an *ad interim* order, pending disposal of the writ petition before this Court. It was clarified that all questions in the pending writ petition were left open to be decided by this Court.

4. After some hearing, it appears that the *inter se* grievances of the petitioner, respondent No. 2, and respondent No. 3 can only be decided in civil proceedings, as they concern claims and entitlement to immovable property, including claims of title, possession and easement.

5. Learned counsel for the parties were given an opportunity to consider the matter, and have fortunately been able to arrive at the following agreed terms:-

A. The contesting parties [the petitioner and respondent Nos. 2 and 3 herein] will be at liberty to approach the appropriate civil court in respect of their claims, with regard to the property in question, including claims of title, possession, easement, and the right to install a gate as sought by respondent No. 2.

B. According to respondent No. 3, her predecessors in title have



already filed several civil litigations in respect of her claims to property No. 14A, Alipur Road, Civil Lines, Delhi – 110054, and the petitioner herein has also filed a suit for possession against the predecessor in title of the respondent No. 3.

- C. The pending suits and any suit instituted in future will be adjudicated without reference to the impugned order of the SDM dated 22.11.2023, which will not be given any further effect.
 - D. The parties may apply to the civil court for such interim orders as they consider necessary. For a period of eight weeks from today, the interim order dated 05.04.2024 in LPA 893/2024 shall continue to operate, subject to any orders passed by the civil court in the meantime.
 - E. Any application for interim relief may be decided by the civil court, in accordance with law, and independently. The parties are free to approach the civil court for continuation, variation, modification or vacation of the interim order passed by this Court during the pendency of this writ petition.
 - F. The present order does not intend to vary or modify any order already passed by the civil court in pending litigation between the parties.
6. The writ petition is disposed of in terms of the above directions. All pending applications also stand disposed of.

PRATEEK JALAN, J

APRIL 23, 2025/‘pv/AD’/