$~79

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

% ***Date of Decision: October 27th, 2026***

\# **CNR No. DLHC010511412026**

\+ W.P.(C) 15700/2026 & CM APPL. 73535/2026

MAM CHAND .....Petitioner

Through: Petitioner in person.

versus

SHO, PS-KHYALA AND ORS .....Respondents

Through: Dr. Geetanjali Sharma, CGSC with SI Kishor Prasad, PS Khayala for R1.
Mr. Lalltaksh Joshi and Mr. Keshav Poonia, Advocates for R2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. The petitioner has filed the present petition under Article 226 of the Constitution of India, seeking the following reliefs:

> *" i. To give directions to the respondent no. 1 and 2 to implement the Rule of Law and implement the restraining order dated 03.09.1992 in Civil Suit No.288/92 case titled as Mamchand Vs Kanwal Nain Aneja and Associates to implement the judgment dated 16.09.1994 vide Suit No. 28311994 titled as "Kanwal Nain Aneja vs Mam Chand & Ors." to impliment the protection order dated 31.03.1997 in Civil Writ no. 4637/1996 passed by double bench of Hon'ble High Court of Delhi and also the implement the status quo order dated 25.08.2006 in suit no.288/92 titled as "Mamchand Vs Kanwal Nain Aneja and Associates" and as per section 149 of CRPC dispurse to unlawful assembly and evict the offenders/lawbreakers from the*

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:28.10.2026 20:15:54

house of the senior citizen petitioner i.e. A-32, Janta Colony who forcefully trespassed into the house of the petitioner and took illegal custody of house and house hold articles of the petitioner i.e, No.A-32, Janta Colony, Near Tagor Garden, New Delhi-l l 0027 to take appropriate legal action against the officers who continuingly ignoring the judicial orders and not complying to the same and stop the crime/trespass committing by respondent no. 3 to 5 continuously day by day, hours to hours as per u/s 472, 473 cr. pc as per held by Hon'ble Supreme Court of India titled as "Gokak Patel Volkart Ltd Vs Dundayya Gurushiddaiah Hiremath and Ors. take a legal action accordance with law and give protection to the petitioner and his all properties.
iii. Give direction to the respondent no. 3 to 5 to handover the household articles, property papers, jewellery to the petitioner. The respondent no. I & 2 give direction comply to respondent no. 3 to 5 returned the household articles, property papers and jewellery to the petitioner."

2. The petitioner, in person, claims rights in respect of property bearing *No. A-32, Janta Colony, near Tagore Garden, New Delhi*. His case is that his father purchased the plot in 1955 and a house was subsequently constructed thereon. The petitioner alleges that he was forcibly dispossessed from the property and that Respondent Nos. 3 to 5 have unlawfully occupied the same, despite retrain/maintaining status quo orders passed in suit bearing No. 288/1992, titled *Mam Chand v. Kanwal Nain Aneja & Ors*., whereby defendants were restrained from interfering in his peaceful possession; judgment dated 16.09.1994 passed in suit bearing No. 283/1994 titled *Kanwal Nain Aneja v. Mam Chand & Ors.*, whereby the suit filed against the Petitioner was dismissed; and Protection Orders passed in Civil Writ Petition No. 4637/1996. It is also informed that the said civil suit No. 288/1992 was subsequently dismissed in default in 2016, and that the petitioner has taken steps to seek its restoration. Petitioner further

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:28.10.2026 20:15:54

alleges that, despite repeated complaints to the police authorities, no effective action has been taken.

3. Having considered the submissions of the petitioner, this Court is of the view that the issues concerning the petitioner's rights in the property, possession thereof and the effect of the orders passed in the earlier civil proceedings are matters which are required to be pursued before the competent civil court in accordance with law. The present proceedings under Article 226 of the Constitution cannot be utilised as a substitute for the remedies available in the civil proceedings.

4. Insofar as the petitioner's grievance regarding the inaction of the police authorities is concerned, it is open to the petitioner to approach the competent police authority by filing an appropriate complaint setting out his specific grievances. In the event any such complaint is received, it is expected that the authorities will consider the same and take such action as may be warranted, in accordance with law.

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

AMIT MAHAJAN, J

OCTOBER 27, 2026
DU

Signature Not Verified
Signed By:SANJAY KUMAR
Signing Date:28.10.2026 20:15:54