



IN THE COURT OF SUB-DIVISIONAL MAGISTRATE (MAYUR VIHAR),
L.M. BANDH MARG, SHASTRI NAGAR, DELHI - 110031.

No. SDM/MV/CrPC145/A-3/2017/

Dated the 18th May, 2018.

State

v/s

Party No. 1

1. Sh. Subodh Kant Sahay
2. Sh. Anil Sharma
3. DR. Ashok Chauhan

Party No. 2

1. Sh. Balmik Prashad Singh
2. Sh. Sanjeev Kumar Singh
3. Ms. Priyamvada Singh.

ORDER

1. This case under section 145 CrPC was taken up on the basis of a Kalandara received from Police Station Pandav Nagar vide DD No. 17A dated 31/3/2017. It was reported that both the groups were claiming to be legally elected Governing Body of All India Panchayat Parishad (hereinafter referred to as the Parishad) and thereby claiming possession over the land comprised in Khewat No. 8/29, Khasra No. 368, Village Gharonda Neemka Bangar, Near Mayur Vihar Ph. I, Delhi.

2. Notices were issued on 10/4/2017 to both the parties for 17/4/2017 and they were directed to submit their written statements of claim of possession of the property. On 17/4/2017, Party No. 2 sought a week's time for filing written statements and Party No. 1 did not appear. The case was adjourned to 27/4/2017. However, in the meantime on 25/4/2017, a report was received from



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SHO Pandav Nagar, through ACP Mayur Vihar informing that the parties have entered into altercation and scuffling to take over the control of the property under dispute on the day of poll for East Delhi Municipal Corporation Elections, i.e., 23/4/2017. The report also stated that the parties were not ready to relent despite intervention of local police and action had to be initiated u/s 107/151 CrPC by the ACP/SEM. The report further mentioned about apprehension of breach of peace the next day, i.e., on the day of counting of votes for East Delhi Municipal Corporation Elections. Being satisfied by the report and considering it to be a case of emergency, it was ordered invoking the provisions of Section 146(1) CrPC that the land under dispute including structures built thereupon be attached to this Court till a Competent Court determines the rights of the parties with regard to the entitlement of possession of the property and the SHO, Pandav Nagar was appointed receiver of the said property.

3. On being appointed Receiver of the property, the SHO Pandav Nagar evicted the present / former staff members and other persons residing in some of the rooms in the property and aggrieved by this they approached the Hon'ble High Court of Delhi vide different Writ Petitions. The Hon'ble High Court of Delhi was pleased to order that the persons residing in the complex shall not be evicted and shall be allowed to reside there and therefore, they were allowed by the SHO to stay in the respective rooms.

4. The order dated 25/4/2017 of this Court was challenged through Criminal Revision and the Hon'ble Special Judge CBI, East District vide order dated 3/10/2017 set aside the order and remanded the case back with directions to decide the issue of possession.

