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

+ **W.P.(CRL) 220/2024**

RAKHI MAHATTA

..... Petitioner

Through: Mr. R.S. Juneja, Mr. J.S. Juneja and
Mr. Shiv Kumar, Advs

versus

THE STATE OF DELHI AND ORS.

..... Respondent

Through: Mr. Sanjay Lao, SC for State with
Insp. Sandeep Kumar SI Kanwar
Singh, PS Vasant Vihar

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.01.2024

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CRL.M.A. 1994/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed seeking following relief:-

“a). A writ, order or direction in the nature of mandamus, thereby directing the respondents to provide protection to the life and property of the petitioner, not unnecessarily harass and call the petitioner in police station and create disturbance in the peaceful living of the petitioner in her house and to take appropriate action on the complaint of the petitioner which is given and duly received by the respondents, on which the respondents have failed to take appropriate legal action on the complaint of the petitioner.



b). A writ or any other writ, order or direction in nature of Certiorari calling record of the case and perused the same that what steps have been taken by the respondents on the complaints of the petitioner which was duly received in the Police Station and on 112 number as stated in the petition.”

4. The learned counsel for the petitioner submits that the petitioner has been living on the first floor of the property No. E-10/6 Vasant Vihar, Delhi since 1989.
5. He submits that one Harpreet Kaur has purchased the ground floor and second floor of their property from the previous owner on 31.09.2021.
6. He submits that the new owner of the property and her husband after purchase of the ground floor and second floor of the property started harassing the petitioner. They tried to demolish the water tank and solar panel of the plaintiff installed on the roof of the second floor of the property in question since 1990. This also led to the filing of suit for permanent injunction by the petitioner against the said new owner.
7. He invites the attention of the Court to Annexure C which is an order dated 28.04.2023 passed by the learned ACJ, Patiala House Court, New Delhi, whereby, on an application filed by the petitioner under Order 39 Rule 1 and 2 CPC, the aforesaid new owner namely, Harpreet Kaur and her husband have been restrained from demolishing / causing any damage to the water tank and solar panel of the plaintiff installed on the roof top of the second floor of the property in question.
8. He submits that the complaints have been filed repeatedly by the petitioner against the aforesaid persons but no action has been taken by the police. In support of his contention he has drawn attention of the Court to Annexure A and Annexure B, which are copies of the complaints made to



the police.

9. Issue notice. Learned Standing Counsel for the State accepts notice.
10. Let status report be filed before the next date.
11. Re-notify on 06.03.2024.

VIKAS MAHAJAN, J

JANUARY 22, 2024
N.S. ASWAL