

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5241/2025

Govind Narain Sharma, S/o Shri Rodumal Sharma, Aged About 77 Years, Resident Of Flat No. B-1905, 18Th Floor, Sky Terraces, Opposite Iis School, Shipra Path, Mansarovar, Jaipur-302020 (Rajasthan).

-----Petitioner

Versus

1. Union Of India, Through Director, Directorate Of Enforcement, Government Of India, Zonal Office, 2Nd Floor, Jeevan Nidhi-Ii, Lic Building, Bhawani Singh Road, Jaipur-302005 (Rajasthan).
2. Deputy Director, Directorate Of Enforcement, Government Of India, Zonal Office, 2Nd Floor, Jeevan Nidhi-Ii, Lic Building, Bhawani Singh Road, Jaipur-302005 (Rajasthan).
3. M/s Adarsh Thoughtworks Private Limited, A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956 And Having Its Registered Office At Flat No. 09, 3Rd Floor, Sujan Avenue, Near Khadayata Colony, Ellisbridge, Ahemdabad (Gujarat) Through Its Directors.

-----Respondents

Connected with

S.B. Civil Writ Petition No. 3998/2025

1. Vedprakash Dhanetwal, S/o Shri Harish Chandra Dhanetwal, Aged About 56 Years, Resident Of Flat No. B-501, 5Th Floor, Sky Terraces, Opposite Iis School, Shipra Path, Mansarovar, Jaipur-302020 (Rajasthan).
2. Asha Dhanetwal, W/o Vedprakash Dhanetwal, Aged About 53 Years, Resident Of Flat No. B-501, 5Th Floor, Sky Terraces, Opposite Iis School, Shipra Path, Mansarovar, Jaipur-302020 (Rajasthan).

-----Petitioners

Versus

1. Union Of India, Through Director, Directorate Of Enforcement, Government Of India, Zonal Office, 2Nd Floor, Jeevan Nidhi-Ii, Lic Building, Bhawani Singh Road, Jaipur-302005 (Rajasthan).
2. Deputy Director, Directorate Of Enforcement, Government Of India, Zonal Office, 2Nd Floor, Jeevan Nidhi-Ii, Lic Building, Bhawani Singh Road, Jaipur-302005 (Rajasthan).
3. M/s Adarsh Thoughtworks Private Limited, A Company Duly Incorporated Under The Provisions Of The Companies Act, 1956 And Having Its Registered Office At Flat No. 09, 3Rd Floor, Sujan Avenue, Near Khadayata Colony, Ellisbridge, Ahemdabad (Gujarat) Through Its Directors.

-----Respondents

For Petitioner(s)	:	Mr. Sunil Nath with Mr. Akash Shrivastava, Ms. Shruti Nain
For Respondent(s)	:	Mr. Akshay Bhradwaj, Mr. C.S. Sinha and Mr. Rajat Sharma for Mr. R.D. Rastogi, ASG (Sr. Adv.)

JUSTICE ANOOP KUMAR DHAND

Order

09/04/2025

1. Since common question of law and facts are involved in these petitions, hence, with the consent of counsel for the parties, both these matters are being decided by this common order.
2. By way of filing both these petitions, a challenge has been led to the impugned order dated 09.10.2024 passed by the Appellate Tribunal under SAFEMA at New Delhi.

3. The counsel for the parties have withdrawn their prayer to the extent of challenge to the aforesaid order passed by the Appellate Tribunal. They have confined their prayer seeking directions for disposal of their representations regarding crystallization of their rights in regard to their respective dwelling units in a time bound manner.

4. Contents of the writ petition indicates that some orders were passed by the adjudicating authority on 31.03.2020 confirming the attachment of the property in question as claimed by the petitioners. The aforesaid order was assailed by the petitioners by way of filing appeals before the Appellate Tribunal. All those appeals were disposed of by common order dated 09.10.2024, wherein, a liberty was granted to them to get their rights crystallized in reference to the property for which agreement of sell was executed or in the case where registered sale deeds have been executed. While granting liberty aforesaid, it was observed by the Tribunal that the petitioners would not create any third party rights in favour of any one and interim protection was also granted to them with regard to their possession for a period of six months.

5. It appears that pursuant to the aforesaid order dated 09.10.2024 passed by the Appellate Tribunal, the petitioners have submitted their respective representations for crystallization of their rights. It appears that the representations submitted by the petitioners have not been decided by the authority concerned by passing a reasoned and speaking order, in-spice of passing of considerable time.

6. Keeping in view the aforesaid factual aspect of the matter, both the instant writ petitions stand disposed by issuing directions to the authority concerned to decide the representations of the petitioners (pending, if any) expeditiously, as early as possible, preferably within a period of six weeks from the date of receipt of certified copy of this order.

7. For a period of further six weeks, the interim protection awarded to the petitioners with respect to their possession on the property in question, as per the order passed by the Appellate Tribunal, shall continue.

8. The stay application and all pending applications, if any, also stand disposed of.

9. Before parting with this order, it is made clear that this Court has not issued any order/direction to the respondent/Appellate Court to decide the representation of the petitioner in a particular way. The same would be decided by them strictly in accordance with law.

(ANOOP KUMAR DHAND),J