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

+ **W.P.(C) 11785/2025 and CM APPL. 48157/2025**

Date of Decision:23.02.2026

GEETA

.....Petitioner

Through: Mr. Basant Kr. Gautam, Advocate.

versus

THE STATE GOVT. OF N C T OF DELHI & ORS.

.....Respondents

Through: Ms. Nikita Bhutani, Advocate for R-1  
to 3.

Ms. Priya Shukla, Advocate for R-4  
to 6.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**J U D G E M E N T**

**PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

The petitioner seems to be aggrieved by non-compliance of the order dated 02.04.2025 passed by the Sub-Divisional Magistrate ('SDM'), Rohini District, Kanjhawala, whereby, according to the petitioner, the order of restoration of the possession of the petitioner over the property in question was passed. It appears that earlier the petitioner filed the civil suit which came to be withdrawn. The status report filed by respondent nos. 4, 5 and 6 is extracted as under:

*“STATUS REPORT*

*Most respectfully showeth,*



1. Brief facts of the matter are that that on 29/12/2021, a complaint vide DD No 38 A from Sh Satish Kumar s/o Sh Raj Kumar r/o E-627, Mangol puri, Delhi against illegal possession of his property i.e. plot No D-16, Khasra No 72/24/2, Budh Vihar , Delhi area 100 square yards by Smt Geeta Devi and Smt Neelam. On 11/12/2021, a complaint vide DD No 66 A and DD No 59 A, dated 28/02/2022, from Smt Geeta W/O Dharambir Singh r/o D-105, Sharma Colony, Budh Vihar, PH-II, Delhi against illegal possession of his property i.e. plot No D-16, Khasra No 72/24/2, Budh Vihar , Delhi area 100 square yards by Shekar Samant and others. On 29/09/2021 vide DD No 65A and on 01/06/2022 vide DD No 62A one another complainant Rajbir Singh S/O Sh Gandharav Singh r/o C-30, top floor, mishra building, near Sunday Market Chander Vihar, Delhi against illegal possession of his property i.e. plot No D-16, Khasra No 72/24/2, Budh Vihar , Delhi area 100 square yards by Shekar Samant and others. All these complaints were marked to SI Randeep. After enquiry, on 07/10/2022 SI Randeep prepared the kalandra U/S 145 Cr P C vide DD No 57A and submit the kalandra before the SDM/ Rohini. .

2. That After hearing the kalandra u/s 145 Cr P C, vide order No F N RA/SDM/R/32221/6065 , dated 25/01/2024 Sh Manish Chandra Verma, RA/SDM / Rohini court has order **possession of Sh Satish Kumar to be restored on the disputed property**. Hence, as per the direction of Hon'ble SDM/ Rohini Court, on 28/02/2024 possession of property was handed over to Sh Satish Kumar. On 28/02/2024, at about 8 PM, came to police station of order of SDM/ Rohini vide order no RA/SDM/R/32221 dated 28/02/2024 regarding atleast 10 days more time given to Smt Geeta Devi to vacate the property peacefully but the property was already vacated by the Smt Geeta Devi in the day time and possession was handed over to Sh Satish Kumar as per the order dated 25/01/2024.

3. That petitioner Smt Geeta Kumari has filed revision petition vide No Cr Rev 91/2024 titled Geeta Kumar Vs Satish Kumar before the Hon'ble Court of Sh Babru Bhan , Ld ASJ, Rohini Court, Delhi. On 21/03/2024, Hon'ble Court of Sh Babru Bhan , Ld ASJ, Rohini Court, Delhi has order to maintain the status quo existing today till final disposal of this petition. On 16/07/2024, Hon'ble Court of Sh Babru Bhan , Ld ASJ, Rohini Court, Delhi has dismissed this revision petition because both the parties has submitted that a civil suit has been already filed which was pending consideration before the concerned civil Court. In the meantime, on 02/04/2024, Sh Manish Chandra Verma, RA/ SDM( Rohini) vide order no RA/SDMI/R/misc/6361 dated 02/04/2024 has order to SHO Budh vihar to comply the order as passed by the Hon'ble Court and restore possession of Smt Geeta w/o Sh Dharambir on the property i.e. plot No D-16, Khasra No 72/24/2, Budh Vihar , Delhi.

4. That on 21/01/2025, civil suit filed by the petitioner Geeta was



*withdrawn with liberty to file a fresh suit in accordance with law.”*

2. It is evident that the SDM had resorted to the provisions of Section 145 of the erstwhile Code of Criminal Procedure, 1973 (“CrPC”), pursuant to multiple complaints relating to possession of the disputed property, and an order directing restoration of possession was passed and acted upon. A revision was thereafter preferred, wherein, an order of status quo was passed and the statements of the parties were recorded to the effect that they would seek resolution of their dispute before the competent civil Court, where proceedings in respect of the same property were already pending.
3. In view of the aforesaid facts and circumstances, including the proceedings undertaken under Section 145 Cr.P.C. the disposal of the revision petition, and the pendency of civil proceedings between the parties, this Court is of the considered view that the exercise of extraordinary jurisdiction under Article 226 of the Constitution of India may not be appropriate for grant of further relief in the nature of restoration of possession. The Petitioner is, accordingly, left at liberty to avail appropriate remedies in accordance with law.
4. With the aforesaid observations, the petition, along with pending application(s), if any, stands disposed of.
5. All rights and contentions are left open.

**(PURUSHAINDR KUMAR KAURAV)**  
**JUDGE**

**FEBRUARY 23, 2026**

Aks/ap.