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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13482/2021

PRADEEP AGGARWAL Petitioner
Through: Ms. Jyoti Nambiar, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents
Through: Mr. Anupam Srivastava, ASC with
Mr. Ujjwal Malhotra, Advocate for
respondent Nos. 1, 3 and 4.
Mr. J.S. Bakshi, Sr. Advocate with
Mr. Virender Mehta, Mr. Abhishek
Mohan and Mr. Amitesh Bakshi,
Advocates for respondent No.5.
Mr. Anand Prakash, Standing
Counsel for MCD with Ms. Varsha
Arya and Mr. Akhil Raj, Advocates.
Ms. Nandita Rao, ASC for GNCTD
(Criminal).

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **02.08.2022**

CM APPL. 33765/2022

1. By way of present application filed under Section 151 CPC, respondent No. 5/*Ram Niwas Gupta* seeks dismissal of the present petition.
2. Mr. J.S. Bakshi, learned Senior Counsel for respondent No. 5, submits that the petitioner has filed the present writ petition by suppressing material facts, inasmuch as in paragraph 15 of the petition, it is stated that relief claimed in the present petition is not available in ordinary civil court and the same has also not been claimed in any other proceedings. He has invited

attention of this Court to the order dated 06.04.2021 passed by the learned ASCJ (Central), Delhi in Civil Suit No. 605/2021, whereby the petitioner's plaint was rejected. He has also drawn attention of this Court to transcripts of two conversations dated 13.04.2022 and 27.05.2022, which have been placed on record as *Annexure 'B'* to the application. Reportedly, these conversations occurred between the petitioner and a common friend of the parties i.e. one *Vijay Kumar Gupta* and certain demands have been made therein in reference to the present Court case.

Learned Senior Counsel has contended that the above conversations would show that the petitioner has tried to overreach the Court by first not disclosing the previous suit, and thereafter by attempting to extort amount against withdrawal of the present case, after filing of the petition. It is also submitted that a complaint in this regard has also been made to SHO, P.S. Burari.

3. Issue notice.
4. Ms. Jyoti Nambiar, learned counsel for the petitioner, accepts notice.
5. Mr. J.S. Bakshi, learned Senior Counsel has drawn attention of the Court to the following messages from the transcript of the conversation dated 13.04.2022 at 15:41 hours :-

Pradeep	What you have think approximate figure. My demand is of 50 and you intend to give 25
Vijay	OK, I inform Amit and you have demanded 50 which is negotiable.
Vijay	Your demand is 50 with copy of Girdawar report. Only these are 02 demands of you.
Pradeep	The dispute of 3950 Sq.yds. will run with Ram Niwas in court. I will withdraw the case from the court after discussing with Ved Pal Rana so that I would not face any grievance or you also in future.

Vijay	I will convey message.
Pradeep	I am also agree with it 99%.
Vijay	Payment will be made by them and if you desire, I can arrange meeting and you may final it if deemed fit.
Pradeep	Instead of meeting, I would prefer to discuss specifically on phone. The matter of Court would be seen by me and him; make the balance payment to him or not.

6. Attention has further been drawn to the following messages from the transcript of conversation dated 13.04.2022 at 15:48 hours :-

Pradeep	Rakesh knows them well, he has already completed work on his land, he can adjust (expenses). It will be ended with 10/20 thousand only and not expensive expenses. He will not demand 2/4 Lacs
Vijay	They offered you 25 Lakhs but you are demanding 50 Lakhs, it is negotiable or.
Pradeep	Yes
Vijay	It is not fixed (Naa)
Pradeep	No No, negotiable, meeting will arrange.
Vijay	Only you did not file complaint against unauthorized.
Pradeep	My associate, which you know, no complaint will be filed by the side of us. Yes, no call will be made and no obstruction for way will be created from my side. I will also withdraw my case from the court after talking with Vedpal Rana.
Pradeep	Judge has also said about unauthorized construction. I will withdraw the case after meeting with Vedpal Rana. If I do not withdraw the case or not filed the complaint, what would be the use of it. "Murge Ki Jaan Gayi Khane Wale to Maja Nahi Aya, Is Ka Faida Kya"
Pradeep	After the withdrawal of that case, final payment will be made. When I received 50% or 70%, case will be withdrawn and only then will take final payment
Vijay	Bhai it is not done like it, the order of High Court will

	remain pending, what would be the benefit of it?
Vijay	After disconnecting the phone, it came to my mind that the order of High Court will remain pending; anyone may file complaint.
Pradeep	I told that I will discuss with Vedpal Rana and withdraw the case.
Pradeep	When the case of unauthorized construction will be withdrawn.
Vijay	OK, the issue will be ended then.
Pradeep	From my side it will be informed to all dealers that I have withdrawn the case so that you may not face inconvenience while selling the land. You are not giving money to me unnecessarily. "Murge Ki Jaan Gayi Khane Wale to Maja Nahi Aya, Is Ka Faida Kya"
Vijay	OK.

7. Mr. Bakshi has also referred to the following messages from the transcript of conversation dated 27.05.2022 at 12:12 hours :-

Vijay	Arrangement of Rs. Five Lacs will be made till evening by 05 PM. I will pay Rs. Five Lacs till evening and total amount of Rs.07 Lacs will also be arranged by tomorrow.
Vijay	Seven is required or take five
Pradeep	Rest 13 Lacs
Vijay	According to commitment, Rs. 13 Lacs will be delivered within 3/4 days
Pradeep	I have also made transaction with Ram Niwas twice and you also met Ram Niwas many times. Will pay Rs. 10 Lacs more, but Shyam Sunder could not get the deal materialized. The influential person like Amit also could not done.
Vijay	No doubt in it. You have filed case in High Court and we are being exploited unnecessarily. Ideally between you and Ram Niwas, we have no transaction of give & take, if you are unhappy, tell me.

Pradeep	It is strange that it is difficult for Amit too, to arrange the funds.
Vijay	Grievances are going-on, land has been defamed, we cannot see the problems of people

8. The application is accompanied by a Certificate under Section 65B of the Evidence Act.

9. A perusal of the petition would show that the petitioner has claimed himself to be a neighbour of respondent No. 5 and has raised grievance against unauthorised construction stated to be carried out at the behest of respondent Nos. 5 and 6.

10. In view of the above, without commenting on the submissions made on behalf of respondent No.5 at this stage, this Court deems it expedient that an investigation be conducted with regard to the above conversations in accordance with law.

11. Ms. Nandita Rao, learned ASC for GNCTD (Criminal), who is present in Court, submits that the investigation may be referred to DCP (Crime).

12. Accordingly, DCP (Crime) is directed to conduct an investigation with regard to the above conversations stated to be carried out between the petitioner and *Vijay Kumar Gupta*. Let a report be filed before the next date of hearing.

13. Re-notify on 10.11.2022.

MANOJ KUMAR OHRI, J

AUGUST 2, 2022/ga

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