

# **Siftehasan And 5 Others vs Union Of India And 4 Others on 31 January, 2025**

**Author: Ashwani Kumar Mishra**

**Bench: Ashwani Kumar Mishra**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14770-DB

Court No. - 29

Case :- WRIT - C No. - 2687 of 2025

Petitioner :- Siftehasan And 5 Others

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Girish Chandra Maurya, Shashank Maurya

Counsel for Respondent :- A.S.G.I., C.S.C.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Donadi Ramesh, J.

1. Taking note of petitioners' grievance, this Court had passed following orders on 24.1.2025:

"Petitioner wants protection of his property which has been declared as enemy property.

Shri Krishna Agarwal, learned counsel for the respondent has obtained instructions, according to which the competent authority has already passed an order declaring

such property as enemy property in terms of Section 18 of the Act.

It is contended that without any opportunity of hearing and without following the procedure in law, the petitioner's property has been declared as enemy property and they are likely to be dispossessed.

Shri Krishna Agarwal, learned counsel for the respondent prays for and is allowed a weeks' time to obtain further instructions in the matter.

Put up as fresh on 31.01.2025.

Till then, status quo shall be maintained with regard to nature and possession of the property in question."

Sri Krishna Agarwal has obtained instructions according to which the property was declared 'enemy property' in the year 2008 itself and none of the recorded tenure-holders raised an objection then. The petitioners apparently got mutated over the said property in the year 2009.

It is, therefore, submitted that rights of the petitioners over the property would require examination at the level of competent authority, i.e., the Central Government with reference to its jurisdiction under Section 18 of the Act.

In the facts of the case, we are of the view that the remedy available to petitioners before the Central Government can always be invoked at the first instance.

In such circumstances, the petitioners are permitted to approach the competent forum in terms of Section 18 of the Enemy Property Act, 1968 along with a copy of this order annexing all materials in support of petitioners' claim within two weeks from today. Such claim of the petitioners would be accorded consideration by passing an appropriate order in accordance with law.

For a period of two weeks and if in the event petitioners represent before the Central Government in terms of the liberty so granted till the disposal of petitioners' representation, no third-party rights would be created in respect of the property in question.

It is, however, made clear that we have not examined the entitlement of the petitioners and all issue relating to petitioners' right, title or interest over the property remains open for examination at the level of competent authority at the first instance.

Order Date :- 31.1.2025 LN Tripathi