

\$~14

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

+ **W.P.(C) 7918/2014**

KEWAL KRISHAN ARORA Petitioner
Through: Mr. Ankit Sharma, Advocate

versus

UNION OF INDIA Respondent
Through: Mr. Vikas Mahajan, CGSC

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

20.08.2015

1. This is a writ petition whereby the following substantive relief is sought :

“..(a). A writ of mandamus or any other appropriate writ, order or direction directing the respondent to forthwith take action on the representations dated 18.11.1999, 24.02.2000, 02.03.2000, 03.01.2001, 11.04.2001, 09.05.2001, 08.11.2002, 02.02.2005, 11.04.2005, 26.07.2005, 04.06.2003, 30.07.2004, 27.04.2006, 23.07.2004 and 02.11.2004, 20.10.2004 and 27.04.2006 of the petitioner and substitute the name of the petitioner in the respondent's record pertaining to property bearing no.B-60B, Vijay Nagar, Delhi-110009...”

2. Notice in this petition was issued on 17.11.2014. Since then, a counter affidavit has been filed.

3. As would be evident, the relief, as prayed for, by the petitioner is with regard to him wanting to seek substitution of his name qua the property described as : B-60B, Vijay Nagar, Delhi-110 009. The record shows that there is another property, which bears the description : B-60A, Vijay Nagar,

Delhi.

3.1 Admittedly, even according to the petitioner, there are disputes pending vis-a-vis property described as : B-60A, Vijay Nagar, Delhi.

4. In so far as the respondent is concerned, qua property described as : B-60B, Vijay Nagar, Delhi, the only objection is that NOC of the legal heir of one, Mr. Girdhari Lal is not provided. The said legal heir is, Mr. Madan Mohan Sialkoti.

4.1 A supplementary objection is also articulated by the respondent, which is that, at some point in time, the said person i.e., Mr. Madan Mohan Sialkoti had filed a complaint with them with regard to the subject property.

4.2 The learned counsel for the petitioner has drawn my attention to pages 97 and 99 of the paper book. At page 97, there is a copy of the affidavit dated 24.08.2008 sworn by Mr. Madan Mohan Sialkoti wherein, he has given his no objection to the Will dated 31.03.1998 (said to have been executed by late Mr. Girdhari Lal) being acted upon.

4.3 As indicated above, Mr. Madan Mohan Sialkoti has also filed an undertaking, which is also, dated, 24.08.2008, wherein, in paragraph 3, he states that he has settled all disputes with the petitioner i.e. Mr. Kewal Kishan Arora.

4.4 These two documents, even according to the learned counsel for the respondent, have somehow, escaped the attention of the respondent.

5. Accordingly, the writ petition is disposed of, with a direction to the respondent to consider the aforementioned documents and pass appropriate orders in the matter.

6. Needless to say, this exercise will be completed by the respondent with due expedition though, no later than four (4) weeks from today.

RAJIV SHAKDHER, J

AUGUST 20, 2015

yg