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

+ LPA 226/2016

ANIL KOHLI & ANR

..... Appellant

Through: Mr.S.M. Pandey with Mr.Vinod  
Ahuja, Advs.

versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE

DEVELOPMENT CORPORATION LTD & ANR ..... Respondent

Through: Nemo.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

% **06.04.2016**

CM No.12599/2016 (exemption)

Allowed, subject to all just exceptions.

LPA No.226/2016 & CM Nos.12597/2016 (stay), 12598/2016 (dir. for calling records), CM No.12600/2016 (addl.doc.)

1. The unsuccessful Petitioners in W.P.(C) No.4209/2015 are the Appellants before us.
2. By the order under appeal dated 16.02.2016, the learned Single Judge dismissed the said writ petition as not maintainable.
3. Having heard the learned counsel for the Appellants and having perused the material available on record, we are unable to hold that the order under appeal suffered from any error of fact or law warranting interference by us.
4. Admittedly, the plot in question was allotted in the name of the mother of the Appellants and the Respondent No.2 herein, who expired on

13.02.1990. It is also apparent from the material available on record that that there are disputes between the Appellants and the Respondent No.2 and that the Respondent No.2 is not willing to join the appellants for getting the mutation of the plot in their names. The Respondent No.1 made it clear that the plot cannot be sub-divided and it is necessary for the Appellants and the Respondent No.2 to submit jointly a registered partnership deed along with certain other documents specified therein for the purpose of mutation.

5. In these circumstances, the learned Single Judge had rightly concluded that it is not a matter for adjudication by this Court under Article 226 of the Constitution of India and that the writ petitioners are at liberty to file appropriate proceedings in accordance with law against the Respondent No.2, if they so desire. The learned Single Judge had also left open the rights and contentions of all parties.

6. The appeal is without any substance and the same is accordingly dismissed.

**CHIEF JUSTICE**

**JAYANT NATH, J**

**APRIL 06, 2016/pmc**