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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7227/2012 & C.M. No.18636/2012

PADMA WATI

..... Petitioner

Through Mr. Wills Mathews and Mr. Ashish
Kumar Sinha, Advs.

versus

MCD

..... Respondent

Through Mr. Yeeshu Jain and Ms. Jyoti Tyagi,
Advs for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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08.08.2016

The petitioner is aggrieved by the fact that respondent No.1 Municipal Corporation of Delhi is not permitting him to carry out construction at property No. 10, 11, 12, Block C, Sanwal Nagar, Near Sadiq Nagar, New Delhi. He prays that a no objection certificate be issued to him.

On a candid query put to the learned counsel for the petitioner as to whether he has any sanctioned plan qua the aforementioned property to build, his answer is no; he has no such sanctioned plan in his hand.

Status report/counter affidavit has been filed by South Delhi Municipal Corporation/respondent No.2 is on record. In this status report, it is stated that the petitioner is claiming ownership over the aforementioned property in terms of a sale deed dated 15.02.1953; the sale deed reflects that there are three khasra numbers i.e. 1/15, 2/18 and

3/19 measuring 10 bigha 12 biswas forming part of village Raipur, Delhi. This sale deed further reflects that the aforementioned property were sold to as many as 49 purchasers without any demarcation and specification regarding the area; the name of the petitioner does not find mention in the said list of purchasers. The name of Budh Praksh found mention through whom the petitioner is claiming. Original sale deed is in Urdu. In the absence of any specific demarcation regarding the area and measurement which would have fallen to the individual share of Budh Prakash (through whom the petitioner is claiming) as admittedly there being 49 purchasers prior in time thereto. There is nothing on record which can show that the petitioner has actual ownership on the said land. In one of the representations of the petitioner dated 26.07.2012, the petitioner had averred that khasra No. 4 was also a part of the sale deed but the sale deed evidences that there is no mention of khasra No. 4. The Revenue records reveal that no such khasra numbers with the identity as 1/5, 2/18 and 3/19 measuring 10 bigha 12 biswas is found in village Raipur, Delhi along with khasra No. 4. There exists no such land. This is the categorical statement of respondent No.2.

On a query again put to the learned counsel for the petitioner on this score, he has no answer. The sale deed which has been placed on record qua the aforementioned land does not correspond with Revenue records. The submission of the Department is that this sale deed is not authentic. Learned counsel for the petitioner has again no answer on any score.

This writ petition, in this background, is clearly not

maintainable as the identity of the land itself is under cloud; there appears to be no such land as per the Revenue records. This petition is accordingly dismissed.

INDERMEET KAUR, J

AUGUST 08, 2016

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