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

+ **W.P.(C) 4209/2015**

ANIL KOHLI & ANR

..... Petitioners

Through: Mr. J.M. Dutta, Adv. with petitioner
Nos. 1 and 2 in person

versus

**DELHI STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION & ANR**

..... Respondents

Through: Ms. Renuka Arora, Adv. with Mr.
Kunal Kohli, Adv. for DSIIDC
Mr. Vivek Kumar Tandon, Adv. with Mr. Manish
Chauhan, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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16.02.2016

The present writ petition has been filed with the following prayers:-

i) direct the Respondent No. 1, to sub-divide the plot that is plot no. 9, Patpar Ganj Industrial Area, Delhi – 110 092, measuring 450 Sq. Mtrs., and get it mutated separately in the names of the Petitioner No. 1 & 2, and the Respondent No. 2, being the legal heirs of Late Smt. Champa Kohli, (mother of the Petitioners and Respondent No. 2);

ii) pass an order to direct the Respondent No. 1, not to cancel the allotment of plot under reference and not to create any third party interest till the matter of mutation is resolved;

iii)pass any other or further orders which this Hon'ble Court may deem fit and proper in the interest of justice."

In the opinion of this Court, prayer (i) is not maintainable as the petitioners are seeking sub-division of a plot contrary to explicit terms of the lease. Consequently, prayer (i) is dismissed.

It is pertinent to mention that this Court of 10th March, 2014 had disposed of an earlier writ petition filed by the present parties on the basis of statement by learned counsel for the petitioner and respondent No. 2 that they would jointly apply for mutation of the plot in question in the name of all the three legal heirs. The order dated 10th March, 2014 is reproduced hereinbelow:-

"Mr. Pushkar Sood, learned counsel for petitioner and Mr. Arjun Mitra, learned counsel for respondent nos. 2 and 3 state that they would jointly apply for mutation of the plot in question in the name of all the three legal heirs within a period of two weeks.

In the event such an application is filed, respondent no. 1 is directed to dispose of the same as expeditiously as possible in accordance with law.

With the aforesaid direction, present writ petition stands disposed of."

However, today, Mr. Tandon, learned counsel for respondent No. 2 states that respondent No. 2 is not willing to sign any further documents or appear jointly with the petitioners before DSIIDC.

Since, it is apparent that there is a family dispute between the petitioners and respondent No. 2, this Court is of the opinion that prayer (ii) of the present writ petition is not maintainable against DSIIDC. After all, DSIIDC cannot be faulted for not carrying out

mutation of the plot in question.

Consequently, the present writ petition is dismissed as not maintainable. However, the petitioners are given liberty to file appropriate proceedings in accordance with law against respondent No. 2, if they so desire. Rights and contentions of all parties are left open.

MANMOHAN, J

FEBRUARY 16, 2016
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