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

+ W.P.(C) 2231/2010 & CM No.13022/2013

MEHRA JEWEL PALACE PVT LTD Petitioner

Through: Ms Aastha Dhawan, Advocate.

versus

LT GOVERNOR DELHI AND ORS Respondents

Through: Mr Anil Soni, CGSC with Mr
Priyanka Singh, Advocate for R-2 &
3.
Mr Satyakam, ASC for respondent.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.07.2017

1. The petitioner has filed the present petition, *inter alia*, seeking an order that L&DO be directed to carry out the mutation of the property, being ground and basement floors, C-11 Connaught Circus, New Delhi-110001, in favour of the petitioner based on the Sale Deed dated 28.07.2005.

2. The learned counsel for the respondents has drawn the attention of this Court to a letter dated 17.09.2014, which indicates that the mutation as requested for by the petitioner has been granted. The petitioner's grievance now is that the charges levied by the respondents pertain to the entire property (Plot No.C-3, Connaught Circus, New Delhi) and is not proportionate to the petitioner's share of the said property, which has been mutated in its name. The learned counsel for the petitioner also states that the petitioner had fully cooperated with the respondents and there is no

violation, which would warrant levy of any charges by the L&DO; the violations, if any, are on account of other co-lessees.

3. Mr Soni, learned counsel appearing for the respondent nos. 2 and 3 has drawn the attention of this Court to a letter dated 04.01.1977, whereby the property, which has been acquired by the petitioner, was earlier mutated in the name of Avtar Singh and Master Govind Singh through his father Shri Pritam Singh. The said letter also clearly states that Pritam Singh and Master Govind Singh would be held responsible jointly and severally with other co-lessees to abide by the terms of the original perpetual lease. Mr Soni states that there was an obvious error in the said letter and instead of Mr Pritam Singh (who was the father of Govind Singh), the name of Avtar Singh ought to have been mentioned and this letter was, accordingly, corrected subsequently. He states that notwithstanding that only a part of the property in question, Plot No.C-3, Connaught Circus, New Delhi, has been mutated in the name of the petitioner, the petitioner would continue to be jointly and severally liable for all dues along with other co-lessees as sub-division the property is not permissible.

4. Thus, it is the respondents' case that though part of the property may be mutated in the name of the petitioner, the petitioner would continue to be liable along with other co-lessees. This Court is not inclined to examine this controversy as the same is not a subject matter of this petition. The relief sought for by the petitioner in this petition is for seeking mutation of the property acquired by the petitioner; and, the petitioner's grievance in this regard is addressed. The question as to the levy of charges would give rise to an independent cause of action and the petitioner is at liberty to agitate the

same in accordance with law.

5. The petitioner states that the petitioner had also made two representations with respect to the aforesaid matter to respondent no.3. In the circumstances, it would be apposite if the said respondent considers the same and disposes of the representations as expeditiously as possible.

6. The petitioner shall appear before the concerned officer of the respondent no.3 on 09.08.2017 at 2:00 PM to pursue the aforesaid representation.

7. The said respondent shall dispose of the petitioner's representation after hearing the petitioner as expeditiously as possible and preferably within a period of eight weeks from 09.08.2017.

8. The petition and the pending application(s) are disposed of with the aforesaid observations.

VIBHU BAKHRU, J

JULY 27, 2017
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