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

+ W.P.(C) 6199/2017

TIRLOCHAN KAUR

..... Petitioner

Through: Mr P. R. Chopra, Advocate.

versus

UNION OF INDIA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.07.2017**

CM No. 25782/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6199/2017 & CM No. 25783/2017

3. The petitioner has filed the present petition, *inter alia*, assailing the order dated 21.07.2017 whereby the petitioner's request for mutation of the property bearing L-32, West Patel Nagar, New Delhi has been declined on the ground that it was not clear on what basis Smt. Santosh Kaur became the owner of the said property, the mutation of which is sought by the petitioner.
4. It is the petitioner's case that the property in question was allotted to one Smt Bakhtawari W/o Shri Nathu Ram, who migrated from West Punjab (now Pakistan) in the year 1947.
5. It is stated that Smt Bakhtawari was unable to pay the necessary

instalments and, therefore, sold her right in the property to one Shri Shamsher Singh by executing a General Power of Attorney in favour of his wife Smt. Santosh Kaur. An Agreement to Sell was also executed in favour of Shri Shamsher Singh, which has been misplaced and is no longer available with the petitioner. After the demise of Shri Shamsher Singh, his widow, Smt Santosh Kaur became entitled to the said property. The petitioner claims that she and her husband were inducted in the property as tenant in the 60's. She claims to have purchased the property in question, from Smt. Santosh Kaur on 30.10.1978. The petitioner claims that she had paid part consideration on 30.10.1978 and the balance consideration was paid on 15.07.1983. It is also the petitioner's case that she has been in settled possession since over half a century.

6. The documents available with the petitioner are sketchy and incomplete. However, it would be essential for the respondent to take a decision as to the entry in their records because Smt Bakhtawari has expired and according to the petitioner, there can be no other claimant to the said property. This Court is of the view that the petitioner ought to be given an opportunity to establish that she has been in settled possession as claimed by her and also produce other documents to establish that she has been occupying the property as an owner.

7. In the circumstances, the impugned order is set aside with a direction to the respondent to re-consider the petitioner's case. The petitioner shall also file all other necessary documents as available with her including the property tax if paid by her.

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

VIBHU BAKHRU, J

JULY 25, 2017
MK