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

+ W.P.(C) 9064/2017

AMITA GANDOAK

..... Petitioner

Through: Ms Priya Kumar with Mr Adhish
Srivastava and Ms Tanya Tiwari,
Advocates.

versus

SUB REGISTRAR III, ASAF ALI ROAD
AND ORS.

..... Respondents

Through: Mr Devesh Singh, ASC (Civil),
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.10.2017

CM No.37033/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 9064/2017 & CM No. 37032/2017

2. Issue notice. The learned counsel for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “a. Pass a writ /order/ direction in the nature of Mandamus directing Respondent No. 1 to secure the Peshi Register containing evidence of registration of Revocation Deed on 07.06.2004 vide Registration no.7941 in Book No. 3, Volume No. 1398, Page 156.
- b. Pass a writ /order/ direction in the nature of Mandamus directing Respondent No. 2 to 4 to

conclude expeditiously enquiry into the Complaint made by the Petitioner to the Vigilance Department and inform the Petitioner of the status of Complaint.

- c. Pass a writ /order/ direction in the nature of Mandamus directing the Respondents to trace the Revocation Deed dated 05.06.2004 registered with the Respondents vide registration number 7941 in book No.3, Volume No. 1398, Page 156 on 07.06.2004.
- d. Pass a writ/order/direction in the nature of Mandamus directing the Respondent No. 1 to provide a certified copy of Revocation Deed dated 05.06.2004 registered with the Respondents vide registration number 7941 in book No. 3, Volume No. 1398, Page 156 on 07.06.2004 to the Petitioner
- e. Pass a writ/order/ direction directing a CBI investigation into the incident of documents being untraceable in the office of the Respondent No. 1.”

4. It is the petitioner’s case that the Revocation Deed was registered with respondent no.1 on 07.06.2004 (Registration No.7941 in Book No.3. Volume No.1398, Page 156). The said document is of vital importance to the petitioner as it is stated that vide the said deed the petitioner’s mother (since deceased) had revoked her earlier Will, which is now set up by the petitioner’s brother. The petitioner’s grievance is that the petitioner has been pursuing with respondent no.3 for the copy of the said Deed, however, the same has not been released to the petitioner ostensibly for the reason the said document has been misplaced.

5. In view of the above, it is directed that Respondent no.1 shall make all

efforts to trace out the document in question and provide a copy of the same to the petitioner within a period of three weeks from today. In the event, the said document is not found by the respondent and has been misplaced, as is alleged in the petition, respondent no. 4 shall direct an inquiry into the matter. Since, an allegation of corruption has been made in the present petition, respondent no.4 would ensure that the inquiry is conducted by the independent agency and preferably by the Directorate of Vigilance.

6. The petitioner contends that the peshi register, which contains the evidence that such a Deed had been registered is available and the respondent nos. 1 and 4 must ensure the same is preserved. It is so directed. The respondent no. 1 shall also inform the petitioner the manner in which the peshi register has been secured.

7. In view of the above, no further orders are required to be passed in this petition. The same is, accordingly, disposed of.

8. Order *dasti*.

VIBHU BAKHRU, J

OCTOBER 16, 2017
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