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

Date of Decision: 11.09.2018

+ **FAO(OS) 57/2018**

RASHMI DUTT

..... Appellant

Through: **Ms. Mohini Narain, Advocate**

versus

AMIT PASSI & ORS

..... Respondents

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

1. This appeal filed under Order 43 read with Section 10 of the Delhi High Court Rules calls in question an interlocutory order passed on 16.01.2018 by the learned Single Judge dismissing an application filed by the appellant being IA No.640/2018 in CS(OS) 2740/2015 whereby a prayer made for revocation of mutation and conversion of the property bearing No.B-2/20, Vasant Vihar, New Delhi to freehold has been rejected. Even though learned counsel referring to various aspects of the matter pertaining to dispute on merit tried to indicate that looking to the nature of property involved, permitting mutation and converting the property into freehold is not permissible.

2. A perusal of the order passed goes to show that the sale of the property was conducted based on the bids submitted by the parties concerned. The appellant herself had located a prospective purchaser who failed to deposit the bid amount and, therefore, the bid of Mr. Anil Rajput,

the prospective purchaser, was accepted and the property had been sold and thereafter the mutation and conversion to freehold of the property was completed. We find that everything has been done with the consent of the appellant and the learned Single Judge finding that in these proceedings the decision of DDA to mutate and convert the property to freehold cannot be adjudicated and therefore dismissed the I.A. No.640/2018.

3. Keeping in view the fact that appellant herself was a party who had consented for the sale, now after the sale has been effected if the property has been mutated or converted to freehold, the learned Single Judge has not committed any error in dismissing the petition.

4. The appeal being devoid of any merit stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 11, 2018/ns