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

+ **W.P.(C) 11200/2016**

LEKHRAJ SACHDEVA

..... Petitioner

Through Mr K.N. Jaysankar

versus

DIRECTORATE OF ESTATES AND ANR Respondents

Through Mr Anurag Ahluwalia, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.10.2018

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to substitute his name in the records in respect of a platform (shop) No. 167, I.N.A. Market, New Delhi (hereafter 'the shop'). The shop was allotted to Sh Chaudhary Ram on 22.04.1964. He expired on 27.07.1990. He was survived by his widow (Smt Phoola Devi); his son (the petitioner herein); and his daughter Smt Saroj Bala (since deceased).
2. The name of Smt Phoola Devi was substituted in the records in respect of the premises in question on 15.04.1999. It is relevant to note that the substitution was carried out as the remaining heirs of late Sh Chaudhary Ram – the petitioner and his sister – had submitted affidavits in favour of their mother Smt Phoola Devi.
3. Thereafter, on 22.07.1999, Smt Phoola Devi applied to respondent

no.1 (Directorate of Estates) for construction of a loft over the shop and the same was allowed.

4. Smt. Phoola Devi expired on 26.12.2001 and was survived by the petitioner and her married daughter (Smt Saroj Bala).

5. Thereafter, the petitioner applied for his name being substituted in place of Smt Phoola Devi. Along with his application, he also submitted an affidavit affirmed by Smt Saroj Bala. The concerned authorities did not accept the said affidavit as the signatures of Smt Saroj Bala were in Hindi, whereas in the earlier affidavit furnished for substituting the name of Smt Phoola Devi, Smt Saroj Bala's signatures were in English. Consequently, the petitioner's name has not been substituted in place of his deceased mother. This has led the petitioner to approach this Court by filing this petition.

6. The learned counsel appearing for the petitioner submits that Smt Saroj Bala expired in the year 2009 and was survived by her husband who has also expired. He further states that Smt Saroj Bala and her husband had no issues and, therefore, there is no other claimant as far as the shop is concerned.

7. In view of the above, this Court considers it apposite to dispose of the present petition with the following directions:-

- i. The concerned SDM shall, on the strength of this order, conduct an enquiry to ascertain whether Smt Saroj Bala has any surviving heirs;
- ii. He shall submit a report to Director of Estates within a period of eight weeks from today;
- iii. Respondent no.1 (Directorate of Estates) shall consider

the said report and if it is found that Smt Saroj Bala and her husband have expired and are not survived by any of their heirs, the Directorate of Estate shall carry out the necessary substitution in accordance with law including levy of the requisite charges.

8. The petition is disposed of in the aforesaid terms.

OCTOBER 25, 2018

pkv

VIBHU BAKHRU, J