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

% *Date of Decision: 23rd December, 2019*

+ W.P.(C) 13749/2019 & C.M.No.55371/2019 (stay)

CORRUPTION AGAINST SOCIETY Petitioner

Through: Mr.Arun Kaushal, Adv.

Versus

LT. GOVERNOR OF DELHI AND ORS. Respondents

Through: Mr.Ramesh Singh, Standing Counsel
with Mr.Chirayu Jain, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

1. This so-called public interest litigation has been preferred for the following prayers:-

“i. *issue a writ in the nature of mandamus directing thereby the respondents to issue a official letter to all the registrar/sub registrar offices working under their jurisdictions to act upon the letter of request of government officials who makes them a letter of request that no document of such property be got registered under the Indian Registration Act, 1908 who violets the provisions of law of their departments, and*

ii. *issue a writ in the nature of mandamus directing thereby the respondents to issue official circular to all registrar/sub-registrar offices not to get registered any sale deed or transfer document of any nature till the*

documents is not contained with the following paragraph "the property in question is duly sanctioned by the concerned department according to municipal by-laws vide file no. and there is no any deviation in the structure and also having all necessary permissions from the concerned departments i.e. department of fire safety vide file no. etc", and

- iii. issue a writ in the nature of mandamus directing thereby the respondents no. 1 and 2 to issue an official letter to all nationalized and private bankers not to sanction any bank loan facilities to such properties which do not have sanction plan or fire safety permission from the concerned department, and*
- iv. issue a writ in the nature of mandamus directing thereby the respondents no. 3 to investigate the records of registrar/sub registrar departments where letters of request were made by the officers of municipal corporation requesting therein not to register the documents of properties under the Indian Registration Act, 1908 which were booked by them under the provisions of Delhi Municipal Corporation Act or by any such department with the same request and despite receiving of such request the registrar/sub-registrar were managed by the builders/property owners to get register the documents under the provisions of the Indian Registration Act, and*
- v. issue a writ in the nature of mandamus directing thereby the respondents no. 1 and 4 to hold a departmental and vigilance inquiries of their subordinate officer who discharged their duties being a registrar/sub-registrar in the registrar office and committed the such crimes as highlighted by the petitioner herein and on finding of their involvement in the said crime they be forced to leave their job forthwith without any retirement benefits,"*

2. Having heard the learned counsel for the petitioner and looking to the facts and circumstances of the case, it appears that the petitioner wants that registration of the following two properties be not allowed by the respondents:-

- a) Khasra No. 149/2 min. Deoli Village, New Delhi-110080.
- b) Property bearing No. 3 Toot-Sarai, Malviya Nagar, New Delhi-110017

3. These two properties have been transferred by the seller to purchaser and the purchaser have applied for registration of the properties and the prayer in this writ petition is that the documents of transfer of the property should not be registered. It appears that this is not a public interest litigation at all. This is a blackmailing type of litigation. Before registration of a document of transfer of property, the respondents are bound to follow the law for registration. If in an individual case, there is violation of law, the remedy is always available before the concerned authority or before the trial Court or in an individual writ petition, as per law. For breach of law of registration, the facts are bound to be proved. Sellers and purchasers of the aforesaid properties are not joined as party respondents in this writ petition, therefore, these facts cannot be established.

4. The owners/occupiers or who are the transferees/transferors of the properties have not been joined as party respondents to this writ petition. In their absence no such order, as prayed for, much less a writ of mandamus can ever be issued against the respondents. There is a presumption that respondents are acting in accordance with law unless it is otherwise proved by specific proceedings. Registration of the documents and denial thereof cannot be prayed in a public interest litigation. Such type public interest

litigation, in contract between ‘A’ and ‘B’ and that too without joining them as party respondents has become a practice in this city. This is nothing but abuse/misuse of the process of law which ought to be stopped.

5. Accordingly, this writ petition is dismissed along with the pending application with costs of Rs.10,000/- (Rupees Ten Thousand Only) to be deposited with the Delhi State Legal Services Authority. This amount shall be utilized for the programmes “Access to Justice”.

6. A copy of this order will be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi – 110001.

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 23, 2019

‘anb’