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

+ W.P.(C) 3769/2020 & CM APPL. 13476/2020 (for directions)

SUSHMA BHAMBRI Petitioner

Through: Mr. Praveen Suri, Advocate.

versus

THE DEPUTY ASSESSOR AND COLLECTOR & ANR.

..... Respondents

Through: Ms. Mini Pushkarna, SC for North
DMC with Ms. Khushboo Nahar and
Ms. Latika Malhotra, Advocates for
respondent nos. 1 and 2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **26.06.2020**

1. The hearing was conducted through video conferencing.

CM APPL. 13475/2020 (Exemption)

2. Allowed, subject to all just exceptions.

3. The application stands disposed-off.

W.P.(C) 3769/2020 & CM APPL. 13476/2020 (for directions)

4. Issue notice.

5. The learned Standing Counsel named above accepts notice on
behalf of respondent nos. 1 and 2.

6. The petitioner seeks the following reliefs:

*“i. Issue appropriate directions or writ in the form
of certiorari or any other appropriate writ whereby the
respondents nos. 1 & 2 be called upon to produce the*

record of the mutation and assessment record of property bearing no. M-212, Shastri Nagar, Delhi-110052, ad-measuring 50 sq. yds. in the name of Smt. Namita Sharma w/o Sh. Shivam Sharma R/o B-1603, Shastri Nagar, Delhi on the basis of the sale deed dated 05.11.2014 registered as registration no. 9630 in book no. I, vol. no. 5529 at pages 72 to 80 in the Office of Sub-Registrar -I, Kasmere Gate, Delhi;

ii. Issue further a writ of mandamus or in same nature whereby the mutation as well as the assessment in respect of property bearing no. M-212, Shastri Nagar, Delhi-110052, ad-measuring 50 sq. yds. in the name of Smt. Namita Sharma W/o Sh. Shivam Sharma will be cancelled by the respondents;

iii. Cost of the present proceedings may be awarded in favour of the petitioner.

iv. Any other or further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the petitioner and against the Respondents."

7. It is the petitioner's case that property no.M-212, Shastri Nagar, Delhi – 110 052, admeasuring 50 sq. yds., is an inherited property for which a partition suit is pending and a *status quo* order dated 09.04.2019 was passed by this Court in CS. (OS). 180/2019. However, it has come to the notice of the petitioner that as of 09.06.2020 the said property has been mutated in the name of a third-party namely Ms. Namita Sharma, w/o Mr. Shivam Sharma, r/o. B-1603, Shastri Nagar, Delhi – 110 052, which clearly is in breach of the aforementioned *status quo* order in the pending suit.

8. The learned counsel for the petitioner states that the purported mutation is on the basis of a sale deed relating to the year 2014, for which he would take appropriate measures as per law. However, he contends that no sale could have been affected when the property had not yet been partitioned and no single person could have asserted his/her individual right in a joint property, so as to dispose it off to a third party. His request to the North Delhi Municipal Corporation to supply requisite documents in this regard has so far, been unsuccessful.
9. The learned Standing Counsel for North MCD, submits that the requisite documents shall be supplied to the petitioner within a week from today.
10. The other reliefs are not being pressed at this stage because the private party, in whose favour the alleged mutation was done, is not impleaded.
11. It will be open to the petitioner to take appropriate remedies as per law, should she have a grievance after the said documents are supplied to her.
12. The writ petition, alongwith pending application, is disposed-off in terms of the above. Liberty granted.
13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 26, 2020_{AB}