



\$~4

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

%

Judgment delivered on: 27.01.2022

+ W.P.(C) 12798/2021

NEERAJ AGARWAL

..... Petitioner

versus

NORTH DELHI MUNICIPAL CORPORATION & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Subhash C.Jindal, Advocate.

For the Respondent: Ms. Sakshi Popli, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks a direction to the respondents to mutate property bearing No.3313 & 3365, Ward IX, Kucha Kashgari, Sita Ram Bazar, Delhi-110006.
3. It is an admitted position that subject property was owned by late Smt. Prem Wati who expired on 03.04.1998.
4. She executed a registered Will dated 01.03.1993 bequeathing subject properties to one of her daughters Ms. Shashi Prabha Agarwal and one of her sons Mr. Lalit Kumar Gupta.
5. As per the petitioner Ms. Shashi Prabha Agarwal expired on



11.03.2004 and Mr. Lalit Kumar Gupta expired on 29.01.1996. As per the petitioner, Ms. Shashi Prabha Agarwal was married to Mr. A.K. Agarwal who expired on 03.06.2017 leaving behind the petitioner and his sister, Mrs. Sangeet Shivam. Further, as per the petitioner Mrs. Sangeet Shivam registered a relinquishment deed dated 22.05.2018, relinquishing her entire share in favour of the petitioner, Mr. Neeraj Agarwal in the said properties.

6. The respondents on the application for mutation filed in 2019, required the petitioner to furnish the following documents:-

- i. *Clearance of up to date property tax;*
- ii. *NOC from all legal heirs;*
- iii. *Family tree of maternal side;*
- iv. *Partition Deed;*
- v. *Registered Original Will.*

7. Petitioner in response thereto provided NOC from Mrs. Sangeet Shivam and the legal heirs of Mr. Lalit Kumar Gupta.

8. Learned counsel for the respondent submits that NOC was required from the legal heirs of Smt. Prem Wati because she is the recorded owner as per their records. She further submits that since the petitioner failed to provide the NOC of legal heirs of Smt. Prem Wati in accordance with the deficiency letter dated 13.12.2019, the online application has already lapsed and petitioner would have to apply afresh.

9. Learned counsel for the petitioner submits that petitioner shall be making a fresh application for mutation and shall be furnishing the receipt of upto date property tax payment, NOC from all the legal heirs of Smt. Prem Wati along with the certified copy of the registered Will and shall also produce the original Will for inspection, if so demanded by the Corporation.



10. Since Smt. Prem Wati was survived by three daughters and three sons there would be no requirement of providing a family tree of the Maternal side of Smt. Prem Wati, particularly when she is alleged to have bequeathed the subject property to some of her class I legal heirs and is survived by other class I legal heirs.

11. In view of the above, this petition is disposed of permitting the petitioner to make an application for mutation afresh in accordance with law. Petitioner shall comply with the requirements of the respondents and provide requisite NOC from the other legal heirs of Smt. Prem Wati as well as the certified copy of the original Will and shall also produce the original Will for inspection as and when demanded by the officers of the Corporation. Petitioner shall also produce the property tax receipt of upto date tax payment.

12. On such an application being moved and being found in order, respondent Corporation shall expeditiously process the same and dispose of the same in accordance with law.

13. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

JANUARY 27, 2022/rk