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

+ **CONT.CAS(C) 269/2024**

DEVENDRA

..... Petitioner

Through: Mr. N.K. Sahoo, Adv.

versus

AMIT YADAV

..... Respondent

Through: Advocate for NDMC (appearance not given)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

07.05.2024

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1. The present petition has been filed alleging wilful disobedience of the directions contained in the order dated 11.12.2023. The said order reads as under:

“1. Shri Sagar Kumar, learned counsel identifies respondent no.4 – Shri Praveen Kumar and represents him in the instant petition.

2. Learned counsel appearing on behalf of respondent no.4 submits that he does not have any objection if the name of the petitioner is recorded in the subject property.

3. Learned counsel appearing on behalf of respondent no.1-NDMC, however, submits that NDMC will have to decide the application for mutation as per the extant Regulations.

4. Respondent no.1-NDMC is directed to decide the application for mutation as per extant Regulations and pass appropriate orders within six weeks.

5. List on 07.05.2024.

6. Before taking any decision, respondent no.1-NDMC is directed to extend an opportunity of hearing to the petitioner.”

2. Learned counsel for the NDMC submits that in compliance with the directions contained in the order dated 11.12.2023, a speaking order dated 23.04.2024 has been passed by the NDMC. The said order has been placed



on record. As such, it is submitted that the directions contained in the order dated 11.12.2023 stand complied with.

3. Learned counsel for the petitioner strongly contends that the aforesaid speaking order dated 23.04.2024 is not in accordance with law and fails to examine the mutation application, as mandated in terms of the applicable rules and regulations of the NDMC.

4. The petitioner is at liberty to urge the aforesaid aspects while pursuing his writ petition i.e. W.P.(C) 5312/2019. However, in view of the said speaking order dated 23.04.2024, it cannot be said that there has been any wilful disobedience of the directions contained in the order dated 11.12.2023.

5. As such, the present petition is dismissed, however, leaving it open to the petitioner to question the legality/correctness of the said order dated 23.04.2024, while pursuing W.P.(C) 5312/2019.

SACHIN DATTA, J

MAY 7, 2024/cl