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

\+ W.P.(C) 1430/2020, CM APPL. 28159/2021, CM APPL. 7274/2024

PRIYA MEHTA .....Petitioner

Through: Ms. Sana Ansari, Advocate.

versus

NEW DELHI MUNICIPAL COUNCIL AND ORS. .....Respondent

Through: Mr. Abhinav Bajaj, Advocate.
Mr. Jinesh Kr. Tiwari, Sr. Panel Counsel.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **25.07.2024**

1. The petitioner has filed the instant writ petition praying for the following reliefs:-

> *"a) Issue a writ in the nature of Mandamus to any other appropriate writ order or direction thereby directing the respondent no.1 to mutate property bearing flat no. 501, Ashoka Estate, New Delhi in favour of Petitioner.*
> *b) Costs of the proceedings be awarded"*

2. The respondent-NDMC has filed the status report which reads as under:-

> *"1. That on 02.05.2024, this Hon'ble Court had directed the Respondent/NDMC to consider the request of the Petitioner for the mutation of the premises in question, in light of the relinquishment deed and other necessary documents being furnished by the Petitioner to the Respondent. . That in light of the foregoing, it is*

humbly submitted that the Respondent has considered the case of the Petitioner for the mutation of the property and shall mutate the property in the name of the Petitioner subject to the Petitioner clearing the arrears of property tax due against the property.

2. That on 23.07.2024, the Assessing Authority computed the arrears of property tax to be Rs. 10,95,320/- (Ten Lakh Ninety-Five Thousand Three Hundred and Twenty Rupees) and communicated the same to the Petitioner at the address of the property. A copy of the letter dated 23.07.2024 from the Tax Department to Petitioner is annexed herewith as ANNEXURE A-1.

3. That in light of the abovementioned facts and circumstances, it is submitted that the Respondent/NDMC shall mutate the property in the name of the Petitioner once the arrears of property tax, i.e., Rs. 10,95,320/- arc deposited by the Petitioner with the Respondent.

4. That the Respondent/NDMC shall abide by any direction(s) that this Hon'ble Court may be pleased to pass in the facts and circumstances of the present case. . That the present report is being submitted for the kind perusal of this Hon'ble Court and for further necessary directions in the matter, if any."

3. The status report would indicate that the mutation is not being effected on account of arrears of property tax to the tune of Rs.10,95,320/-.

4. Learned counsel appearing for the petitioner raises various objections. According to her, demand of the property tax is exorbitant and no computation/breakup has been furnished to the petitioner in that regard. The Court, at this stage, is not inclined to adjudicate the aforesaid aspect as the main petition is only for directions to mutate the land in question.

5. The Court, however, leaves it open to the petitioner to take up appropriate proceedings against the property tax demand in accordance with law. It is also directed that if in the meantime, the petitioner makes the payment, the respondent-NDMC has to accept the same and mutate the property in question in the name of the petitioner. However, the same shall remain subject to further recourse, if any, the petitioner intends to take.

6. With the aforesaid direction/observation, the petition stands disposed of alongwith the pending applications.

6. It is clarified that if the petitioner makes the payment, the mutation be effected within two months. The respondent is further directed to provide the requisite computation to the petitioner.

PURUSHAINDRA KUMAR KAURAV, J

JULY 25, 2024/KG