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

+ **W.P.(C) 6602/2022 & CM APPL. 20057/2022**

RITA JAIN @ RITESH JAIN

..... Petitioner

Through: Dr. K B S Rajan, Senior Advocate
with Mr. Aviral Saxena, Mr.
Shrawani, Mr. Atul Bhandhu, Mr.
Piyush Thanvi and Md. Imran
Ahmad, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC with Ms.
Arshya Singh, Mr. Yash Upadhyay
and Mr. Siddhant Dutt, Advocates for
R-1 to 5.
Mr. Siddhant Nath, Advocate for R-6.
Mr. Anurag Kumar Agarwal, Mr.
Mayank Goel, Mr. Manas Khatri and
Mr. Umesh Mishra, Advocates for R-
7.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

04.04.2024

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1. The Petitioner has approached this Court with the following prayers:-

*“a. Call for the records of registration of forged Will
dated 14.03.2001 registered vide Registration No. 790
in Book No.3 Vol No.523 on Page No. 165 To 166:
Mutation Letter dated 01/03/2011 in respect of
Property No.3, Pahari Dhiraj, Chbs Ltd./ Nishant
Kunj, Pitampura, Delhi and conveyance deed dated*



23/04/2015 issued by Respondent No.6 & ;

b. Hold that the process of registration of forged Will dated 14.03.2001 registered vide Registration No. 790 in Book No.3 Vol No.523 on Page No. 165 To 166 is bad in the eyes of law & is in violation of law under the Registration Act & Issue a writ in the nature of Certiorari for quashing of certificate u/s 60 of the Registration Act by the respondent No.4 dated 02.05.2005 vide Registration No. 790 in Book No.3 Vol No.523 on Page No. 165 To 166 issued in respect of forged Will dated 14.03.2001 & the consequential actions .

c. Issue a writ in the nature of Certiorari for quashing Of certificate dated 09/07/2021 issued under Section 60 of the Registration Act by the Respondent No.5 vide Registration No. 767 in Book No.4 Vol. 1362 on Page No. 118 To 126 in respect of Disclaimer Deed dated 05.072021.

d. Issue a writ in the nature of Certiorari for quashing of Mutation Letter dated 01/03/2011 in respect of Property No.3, Pahari Dhiraj, Chbs Ltd./ Nishant Kunj, Pitampura, Delhi issued by Respondent No.6.

e. Issue a writ in the nature of certiorari for quashing of conveyance deed dated 23/04/2015 issued by Respondent No.6.

f. Issue a writ in the nature of mandamus for stay of operation of forged will dated 14.03.2001 along with its registration.

g. Initiate appropriate suo moto criminal proceedings launching criminal investigation under appropriate provisions of law more specifically under law of cheating, forgery, tampering of documents etc. against



officials of Respondent No. 4 i.e Sub-Registrar, Respondent No.5 i.e Sub Registrar VIA and Respondent No.6 i.e Delhi Development Authority.

h. Issue a writ in the nature of mandamus for stay of operation of disclaimer deed dated 09.07.2021 along with its registration till the disposal of this writ petition.

i. Issuance of writ in the nature of mandamus directing the respondents to produce the records pertaining to the present case.

j. Issue any other Writ, order or Direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

k. To dispense with from filing certified copies of Annexures.

1. To allow the writ petition with cost in favour of the Petitioner and against the Respondent(s). ”

2. The basis of the prayer is that the Will dated 14.03.2001 is a forged Will. It is yet to be established whether the Will is forged or not. The fact whether the Will is forged or not can be established only in a Civil Court after evidence is led by both parties and the same cannot be adjudicated by this Court while exercising its jurisdiction under Article 226 of the Constitution of India.

3. In view of the fact that complicated issues of fact arises in the writ petition which can be decided only after evidence is adduced by both the parties, this Court is not inclined to entertain this writ petition. The petition is not being entertained on this short ground.



4. It is made clear that this Court has not made any observation on the merits of the case and as and when/if and when a suit is filed/pending, the court of competent jurisdiction is directed to consider the same on its own merits uninfluenced by the fact that the present writ petition has been rejected.

5. The petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

APRIL 4, 2024

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