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

+ **W.P.(C) 14308/2024 & CM APPL. 59906/2024, CM APPL. 59907/2024**

**YASHPAL SINGH**

.....Petitioner

Through: Mr. Saurabh Kansal, Mr. Manish Kumar, Mr. Raghav Vij and Mr. Suraj Kumar Jha, Advocates.

versus

**SECRETARY REVENUE CUM DIVISIONAL COMMISSIONER & ORS.**

.....Respondents

Through: Mr. Siddhant Nath, Standing Counsel (MCD) with Mr. Bhanishya Makhija, Advocate for MCD.

Mr. Ravi Prakash, CGSC with Mr. Astu Khandelwal and Ms. Taha Yasin, Advocates for R-2.

Mr. Jitendra Kumar Jha, Advocate (GP) for UOI.

Mr. Akhil Mittal, ASC with Ms. Navita Gupta and Mr. Vineet Kumar Mishra, Advocates for R-4.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

**09.10.2024**

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1. Present public interest petition has been filed seeking directions to the Respondents to remove restriction of mutation based on inheritance alone and thereby enabling mutation based upon registered title deeds as well.



2. Learned counsel for the Petitioner states that the Revenue Department, GNCTD has on 17<sup>th</sup> September, 2024 issued an order and Standard Operating Procedure ('SOP') which provides for mutation in urban villages declared under Section 507 (a) of the Delhi Municipal Corporation Act, 1957, whereby title is obtained by way of inheritance alone. He submits that *vide* operation of the said SOP, the people who had become owners by way of registered sale deeds are excluded without any intelligible differentialia.

3. He submits that the right, title or interest in the immoveable property can be transferred only by a registered instrument as per the Transfer of Property Act, 1882 and therefore the aforesaid SOP renders all other provisions of transfer of property other than inheritance as redundant. He states that the SOP creates a distinction between titles obtained by inheritance and titles obtained through other legal means without drawing any reasonable distinction between the two categories of people and thereby is violative of Article 14 of the Constitution of India.

4. He further states that the order and SOP would make determination of ownership in the future very difficult as land records would not be updated for titles obtained by means of sale. He also states that such restrictive mutation will pave the way for larger frauds.

5. From a perusal of the paperbook, it appears that no representation has been made by the Petitioner prior to filing the present public interest petition.

6. Accordingly, the present public interest petition and pending applications are disposed of with a direction to the Respondent no.1 to treat the present writ petition as a representation and decide the same by way of a



speaking order in accordance with law as expeditiously as possible.

7. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

**CHIEF JUSTICE**

**TUSHAR RAO GEDELA, J**

**OCTOBER 9, 2024**

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