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

+ W.P.(C) 14821/2024

SURENDER KUMAR GUPTA

.....Petitioner

Through: Mr. D.K. Rustagi, Mr. Mayank
Rustagi, Mr. J. Karan Malhotra,
Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL & ANR.Respondents

Through: Mr. Ashim Shridhar, advocate for
NDMC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.10.2024

CM APPL. 62290/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 14821/2024 & CM APPL. 62289/2024 (for interim directions)

1. This writ petition under Article 226 of the Constitution has been filed for the following reliefs:

“a) Pass an order directing the Respondents to correct the area of the writ property bearing no. 84, Janpath, New Delhi – 110001 comprising of entire Ground Floor and First Floor at 11763.81 sq.ft. instead of 6389 sq.ft. as found recorded in the impugned rectification order dated 10.08.2022 passed by the Respondent No.2 so as to complete the process of assessment in relation thereunder, and/or

b) to direct the Respondents to mutate the writ property bearing no. 84, Janpath, New Delhi-110001 immediately on the completion of assessment process including that of rectification in respect of the writ property in favour of the Petitioner only, being the sole successor-in-interest of the mutated owner Sh. Devi Charan Gupta; and/or”



2. The petitioner claims to be the sole legal heir of the original owner of property *No. 84 Janpath, New Delhi*. He has entered into an Agreement to Sell dated 17.05.2022 with one Mr. Gurcharan Singh Bhatia, in respect of part of the said property. According to the petitioner, part of the consideration fixed under the agreement was retained by Mr. Bhatia to meet the property tax obligations in respect of the entire property.

3. The petitioner has approached this Court with the grievance that the respondent – New Delhi Municipal Council [“NDMC”] has passed an order of rectification dated 10.08.2022, in which the assessment of the property has been rectified, but the area of the property has been mentioned as 6389 sq.ft rather than the area of the entire property, which, according to the petitioner is 11,763.81 sq.ft. According to the petitioner, this has the effect of reducing Mr. Bhatia’s liability under the Agreement to Sell.

4. As far as the correctness of the assessment order is concerned, the petitioner has an appellate remedy under Section 115 of the New Delhi Municipal Council Act, 1994. It is not necessary to entertain the writ petition on this ground, as he is free to avail of that remedy, subject to any objections available to the respondents in accordance with law.

5. The petitioner has made a second prayer in this petition, for a direction upon the NDMC to mutate the property only in favour of the petitioner, upon completion of the assessment process, including rectification. The grievance articulated by Mr. D.K. Rustagi, learned counsel for the petitioner, is that no application for mutation by Mr. Bhatia should be accepted. In this regard, it may be noted that the



petitioner has already filed a civil suit against Mr. Bhatia in respect of the transactions between the parties, which remains pending before the District Court, Patiala House. The petitioner may take such steps as he is advised in the said civil suit.

6. It is made clear that this Court has not made any observation with regard to the merits of the issues in question. All rights and contentions of the parties are left open for adjudication in appropriate proceedings.

7. The petition is disposed of in view of the above.

PRATEEK JALAN, J

OCTOBER 22, 2024

“Bhupi”/