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

+ W.P.(C) 3434/2023

ANIL TYAGI & ANR.

.....Petitioner

Through: Mr. J.P Sengh, Sr. Advocate with
Mr. Sanjeev Kumar Tyagi,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Mr. Dhruv Tamta and Mr.
Nishchay Dutt, Advocates for
DDA.
Ms. Avni Singh, Panel Counsel for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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19.03.2025

CM APPL. 15827/2025 (for early hearing)

1. The petitioner seeks early hearing of the writ petition, relying upon a status report filed by Government of National Capital Territory of Delhi ["GNCTD"] from which it is clear that the petitioner's case can be disposed of without objection from the respondents.
2. Learned counsels for the respondents are present, and have no objection to the application being allowed.
3. For the reasons stated in the application, it is allowed, and the writ petition is taken on Board, with consent of learned counsel of the parties.
4. The application stands disposed of.

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1. By way of the present writ petition, the petitioners seek the following reliefs:

“a) to Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to carry out the mutation of the subject land and to record the name of the petitioners in revenue records as owners/bhumidars of entire land admeasuring 9 bigha 3 biswa falling in khasra no. 1748/1, 1769/1 and 1769/2 of revenue estate village Chhatarpur, Tehsil Mehrauli, New Delhi,

b) to pass any other order as this Hon'ble Court may deem fit and proper.”

2. The petitioners claim to have inherited the property in question, admeasuring 9 bigha 3 biswa in khasra Nos. 1748/1, 1769/1 and 1769/2 of revenue estate village Chhatarpur, Tehsil Mehrauli, New Delhi, from their mother, Mrs. Urmila Tyagi, who died in the year 2007. The petitioners trace their title from the sale of the property by one Mr. Harbhajan Singh and his wife Mrs. Inderjeet Kaur, in favour of Mrs. Urmila Tyagi under a Sale Deed dated 30.12.1988.

3. After the death of Mr. Harbhajan Singh, his share devolved upon Mrs. Urmila Tyagi under a Will executed by him on 30.12.1988. The revenue authorities undertook mutation of his share of the property in favour of Mrs. Urmila Tyagi on 16.11.1993.

4. However, disputes later arose between the heirs of Mr. Harbhajan Singh, Mrs. Inderjeet Kaur, and the petitioners herein. The petitioners filed Test Case No. 54/2017 in this Court for grant of Probate/Letters of Administration of the Will of Mrs. Inderjeet Kaur dated 30.12.1988. By a judgment dated 16.09.2019, this Court granted Letters of Administration, with the Will annexed, in respect of the share of Mrs. Inderjeet Kaur in the property in question. Mr. J.P Sengh, learned Senior Counsel for the



petitioner, states that the said judgment was not challenged by any party. Pursuant to the judgment dated 16.09.2019, the decree has also been drawn up and delivered to the petitioners.

5. Relying upon these documents, the petitioners have applied to the revenue authorities for mutation of the land on 31.12.2021. They approached this Court first in W.P.(C) 6168/2022, seeking disposal of their application for mutation. By order dated 15.07.2022, the writ petition was disposed of permitting the petitioners to file a representation before the concerned authorities. The petitioners duly filed a representation on 09.08.2022, but the mutation has not yet been ordered, for which reason the present writ petition has been filed.

6. Notice was issued on 20.03.2023. By an order dated 02.08.2023, it was recorded that according to the information of the petitioners, the record of the land was still lying with the Sub-Divisional Magistrate [“SDM”]. The order dated 12.01.2024 records the submission of learned counsel for GNCTD, that the subject land was urbanised under the Delhi Municipal Corporation Act, 1957, by a notification dated 21.11.2019. GNCTD was also directed to produce the relevant record before the Court. By order dated 11.11.2024, the SDM was granted further time of six weeks to take action in the matter, but no further action has yet been taken.

7. A status report has been filed by GNCTD on 05.03.2025, which reads as follows:

“1. There was an application received regarding virasat of village chattarpur regarding Kh. NO. 1748/1,1748/2,1769/1,1769/2 and 1770/1/2 of village Chattarpur.

2. In this regard an information regarding acquisition of Kh. NO's



report seek from LAC (South) branch..

3. In this regard it is found that writ no. C.W.No. 897 of 1987 titled Shri Harbhajan Singh and Anrs. V/s Union of India and Ors. The Khasra No's off 1748, 1769/1, 1769/2 total 9 Bighas and 3 Biswa is free from acquisition from the above said writ and the Kh. NO. 1770/1/2 is free from U/s 24(2) of Land Acquisition Act which is still pending in Hon'ble Supreme Court of India, So, The Virasat can done on the basis of writ except Kh. NO. 1790/1/2."

8. Ms. Avni Singh, learned counsel for respondent No. 2 – GNCTD, states that, as far as the subject property is concerned, it falls in Khasra Nos. 1748/1, 1769/1 and 1769/2, in respect of which there is no ongoing acquisition. GNCTD, therefore, has no objection to mutation of the subject land in favour of the petitioners.

9. Mr. Dhruv Tamra, learned counsel for respondent No.1 - Delhi Development Authority, is also present, and has no objection to this relief.

10. For the reasons stated, and with the consent of learned counsel for the respondents, the writ petition is disposed of, with the direction that the mutation of the subject land be carried out in the names of the petitioners within a period of six weeks from today.

11. The next date of hearing i.e. 03.09.2025 stands cancelled.

PRATEEK JALAN, J

MARCH 19, 2025

SS/SD/