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

+ **W.P.(C) 6650/2025**

JAYA SAIGAL

.....Petitioner

Through: Ms. Akansha, Mr. Gaurav Aggarwal,
Advs.

versus

**GOVT OF NCT OF DELHI THROUGH CHIEF SECRETARY &
ORS.**

.....Respondents

Through: Ms. Nitika Bhutani, Adv. for R1 and
R4 to R6.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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22.05.2025

1. The present petition has been filed by the petitioner seeking the following prayers –

“a) Issue a writ of mandamus or other appropriate writ, order or direction directing Respondents 3 to 5 to take necessary steps to prevent mutation or alienation of the aforementioned properties without proper partition or consent of all legal heirs.

b) Declare that the Petitioner is entitled to an equal share in the said properties and direct initiation of partition proceedings accordingly.

c) Direct Respondents 1 and 2 to account for the rental income from the leased properties and pay the Petitioner her rightful share from the date of her father's death.

d) Pass such other and further orders as may be deemed fit in the facts and circumstances of the case.”

2. The background to the present petition is that the petitioner's father – Sh. Madan Lal Nagpal (deceased), who passed away intestate on 20.11.2024, held title over several properties which are enumerated in the present petition as under –



- o B-4/178C, Keshavpuram, Delhi
- o B-4/179C, Keshavpuram, Delhi
- o B-4/309A, Keshavpuram, Delhi
- o B-4/310, Keshavpuram, Delhi
- o CW-211, Sanjay Gandhi Transport Nagar, Delhi
- o B-2/17, Sector 18, Rohini, Delhi

3. Sh. Madan Lal Nagpal (deceased) is survived by his daughter (petitioner) and two sons (respondent nos. 1 and 2). The petitioner is aggrieved on account of the fact that upon the demise of her father, she has allegedly been excluded by the respondent nos. 1 and 2 from claiming any right/share in the said properties and/or receiving any rental income derived from there.

4. The petitioner is further aggrieved by the fact that no partition or settlement has taken place as regards the said properties for division of shares between the petitioner and her brothers – respondent nos. 1 and 2 being the legal heirs of the deceased.

5. From the aforesaid, it is evident that there are civil disputes subsisting between the parties; the same are required to be adjudicated in appropriate civil proceedings. It would be inapposite to adjudicate these disputes in the present petition under Article 226 of the Constitution of India. In ***Roshina T. v. Abdul Azeez K.T. and Others*** (2019) 2 SCC 329, it has been held as under –

“14. It has been consistently held by this Court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such cases, the Court has jurisdiction to issue



appropriate directions to the authority concerned. It is held that the High Court cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies under the general law, civil or criminal are available. This Court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be exercised casually or lightly on mere asking by the litigant. (See Mohan Pandey v. Usha Rani Rajgaria [Mohan Pandey v. Usha Rani Rajgaria, (1992) 4 SCC 61] and Dwarka Prasad Agarwal v. B.D. Agarwal [Dwarka Prasad Agarwal v. B.D. Agarwal, (2003) 6 SCC 230] .)

15. In our view, the writ petition to claim such relief was not, therefore, legally permissible. It, therefore, deserved dismissal in limine on the ground of availability of an alternative remedy of filing a civil suit by Respondent 1 (writ petitioner) in the civil court.”

(emphasis supplied)

6. In the circumstances, the present petition is dismissed with liberty to the petitioner to initiate the appropriate proceedings, in accordance with law.

SACHIN DATTA, J

MAY 22, 2025/uk, dn