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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9604/2025, CM APPL. 40369/2025 and CM APPL. 52949/2025**

NEENA KAPOOR

.....Petitioner

Through: Mr. Aditya Dutta, Advocate.
versus

THE GOVERNMENT OF NCT OF DELHI AND ORS

.....Respondents

Through: Ms. Avni Singh, Panel Counsel for
GNCTD with Mr. Abhishek Yadav,
Advocate.
Mr. Sidhartha Das, Mr. Himanshu Goel,
Mr. Tushar Sharma and Mr. Siddharth
Gautam, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **28.03.2026**

This matter has been taken up today, as 02.03.2026 was declared holiday.

1. The instant petition is for the following reliefs:

“a) Issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus, directing Respondent No. 1 to forthwith issue a corrected/ amended Surviving Member Certificate bearing No. 90660000204822 dated 19.09.2023 or a fresh Surviving Member Certificate, duly incorporating the name of the Petitioner, Neena Kapoor, as a Surviving Member /legal heir of Late Shri Yashpal Mehra;

b) Issue a Writ of Certiorari or any other appropriate writ, order or direction in the nature of Certiorari, calling for the records from Respondent No. 1 in relation to Surviving Member Certificate bearing No.



90660000204822 dated 19.09.2023 and after examining the legality of the same, quash and set aside the existing Surviving Member Certificate bearing No. 90660000204822 dated 19.09.2023 issued by Respondent No. 1 in favour of Respondent Nos. 2 to 4 and issue forthwith a corrected/ amended Surviving Member Certificate bearing No. 90660000204822 dated 19.09.2023 or a fresh Surviving Member Certificate, duly incorporating the name of the Petitioner, Neena Kapoor, as a Surviving Member /legal heir of Late Shri Yashpal Mehraa fresh;

c) Direct appropriate legal and penal action to be initiated by Respondent No.1 against Respondent Nos. 2 to 4 for making false declarations and submitting false affidavits in the process of obtaining the Surviving Member Certificate bearing No. 90660000204822;

d) Pass such other and further orders as may be deemed just and proper in the facts and circumstances of the present case and in the interest of justice.”

2. The present petition assails the Surviving Member Certificate dated 19.09.2023 (hereinafter '**the impugned certificate**') (Annexure P4) issued by the Office of the District Magistrate, South District, Government of NCT of Delhi ('**respondent no.1**'). By the impugned certificate, respondents nos. 2 to 4 ('**private respondents**') were recognized as the sole surviving members of the family of late Shri Yashpal Mehra, allegedly excluding the petitioner from being named as a surviving member/legal heir. The Petitioner states that she is the biological daughter of late Shri Yashpal Mehra, and upon becoming aware of the impugned certificate, submitted representations to the Office of the District Magistrate, South District, seeking correction thereof.

3. The sole grievance of the petitioner is that the impugned certificate was issued on the basis of the false affidavits and a self-declaration submitted by private respondents. The certificate has been issued without considering the documentary evidence and proof submitted by the petitioner establishing her



status as a Class I legal heir of late Shri Yashpal Mehra. The private respondents, however, contend that the petitioner was validly adopted by Shri Charanjeet Lal Mehra and his wife late Smt. Rani Mehra immediately after the petitioner's birth. The said adoption would terminate all legal rights with her biological family members. The petitioner herein is a daughter of her adoptive parents and has no rights, title, or interest in the estate or family affairs of her biological family. It is also pointed out that a civil suit is pending between the parties.

4. In ***Radha Krishnan Industries v. State of Himachal Pradesh***¹ the Supreme Court re-iterated the discretion available with the writ court to decline exercise of its powers when disputed questions of facts are involved. The material portion of the judgement reads as under

“27.6. In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with.”

5. This Court in ***IDBI Bank Ltd. v. Power Finance Corporation Ltd.***² while analysing the impermissibility of entertaining writs which have their origin in private and not public law has held as under:

“26. Each of the issues so mentioned above, fall exclusively in the domain of private law and are fundamentally contractual in nature. There is no element of public law that this court finds involved in the present petition. The mere fact that the parties engaging in the contract are State or its instrumentalities, does not in itself make the issue relevant to public law. There is no determination of the rights relating to public law, nor is there a consideration relating to the public at large that needs to be factored in

¹(2021) 6 SCC 771.

²2023 SCC OnLine Del 2909.



while deciding the dispute so argued by the parties. Issuance of the BGs by the petitioner at the instance of respondent no. 2 in the favour of respondent no. 3 and its encashment is purely governed by the terms of the BGs. The same is the commercial wisdom of the parties. It concerns the legal relationship between the parties involved, namely, the bank and the beneficiary of the guarantee. The enforcement is not the result of any administrative order or State act involving the exercise of State power.

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35. This court cannot countenance the argument that, whereas, otherwise, a dispute owing to its private law origins ought to have been agitated before a civil court, merely because the entity so breaching the contract is a State or its functionary, the case is to be considered under Article 226 of the Constitution of India. Arbitrariness, under Article 14 of the Constitution of India needs to be pleaded in exclusion to claims of pure breach of contract. In the present petition, the petitioner has not been able to persuade this court that the breach so alleged on the part of respondents is of such a nature that it may be considered arbitrary and deserves to be entertained under the writ jurisdiction of this court alone.”

6. The aspects of filing of the false affidavit etc. may not be gone into the writ jurisdiction. The parties, therefore, will have to establish their rights by adducing the oral and documentary evidence before the Court of competent jurisdiction. If, in law, there was no adoption or even after adoption, the petitioner continues to enjoy her legal rights over the property of her erstwhile parents, all those aspects can be looked into by the concerned Court.

7. Leaving all issues open, the Court declines to accept the prayer made in the instant petition.

8. Accordingly, the instant petition stands dismissed along with all pending applications.

PURUSHAINDR KUMAR KAURAV, J

MARCH 28, 2026

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