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

+ **W.P.(C) 2352/2026**

**HARSHITA SHARMA**

.....Petitioner

Through: *None.*

versus

**THE GOVT (NCT OF DELHI ) AND ORS** .....Respondents

Through: Ms. Shobhana Takiar, SC, DDA with  
Mr. Prateek Dhir, Advocate.

Mr. Sanjay Kumar Pathak, SC with  
Ms. K. K. Kiran Pathak, Mr. Sunil  
Kumar Jha and Mr. Mohd. Sueb  
Akhtar, Advocates for R-2/ LAC.

Mr. Shashi Pratap Singh, Ms.  
Anamika Tyagi and Ms. Lagshyaa  
Saulja, Advocates for R-4/ DDA.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**28.03.2026**

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*[As per to Notification No. 64/G-4/Genl.-I/DHC dated 27<sup>th</sup> February, 2026, matters listed on 2<sup>nd</sup> March, 2026 (on account of "Holi"), are to be taken up on 28<sup>th</sup> March, 2026.]*

1. There is no appearance on behalf of the Petitioner. Nonetheless, with the assistance of counsel for the Respondents, the Court has perused the record.
2. The Petitioner asserts that the original recorded owner of the parcels of land situated in Village Kilokari, Delhi, as described in the prayer clause, was Late Mr. Divan Chand, who executed a registered Will dated 03<sup>rd</sup>



March, 2011, bequeathing his properties in three equal shares to his sons, including the Petitioner's husband.

3. The land in question was acquired pursuant to notifications issued in the years 1989-1990, and an award was passed on 19<sup>th</sup> June, 1992. Dissatisfied landowners sought a reference being LAC No. 232/2011, culminating in an award dated 07<sup>th</sup> April, 2016, followed by L.A. Appeal No. 196/2016, which is presently pending before this Court.

4. In this background, the Petitioner has approached this Court seeking the following reliefs:

*"I. It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents to mutate and incorporate the name of the Petitioner in the revenue records in respect of the land situated within the revenue estate of Village Kilokari, District South- East Delhi, including but not limited to land bearing Field/Khasra Nos. 641, 866, 959, 931, 944, 868, 988, 867, 932, 930, 958, 1015, 1026, 1027, 1032, 1032/1, 1033, 1035, 1047/1, 1047/2, 1020, 1021, 1033/1, 1033/2, 1047, 1084, 916, 917, 918, 946 (min), 946, 947, 908, 1056 (min), 640, 1182/621, 951, 1075, 1053, 1226-1227/1057, 1088, 1011, 1016, 1022, 1034, 1017, 1023, 921, 925, 1024, 1018, 1136/503, 595, 1137/503, 510, 1138-39/647, 870, 871, 1224/907, 1223/906, 872, 1221/922, 982, 659, 1003, 1012, 1013, 1014, 1019 and 1025, by recording the same in the name of the Petitioner strictly in accordance with her lawful share devolved upon her on the basis of the Registered Will, and in compliance with the provisions of law.*

*II. Issue a writ of mandamus or any other appropriate writ, order or direction, thereby directing the Respondents to forthwith release and disburse the compensation amount in respect of the acquired land in favour of the Petitioner, strictly in accordance with her lawful and proportionate share devolved upon her under and by virtue of the Registered Will dated 12.02.2024 and the Will dated 09.12.2022, executed by Late Shri Divan Chand, as well as under the Will executed by her husband. Late Shri Brahm Prakash Sharma, in accordance with law.*

*III. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondents to consider and dispose of the Petitioner's representation dated 27.08.2025 by passing a reasoned and speaking order, strictly in accordance with law, within a fixed and time-*



*bound period as may be specified by this Hon'ble Court."*

5. The primary relief sought by the Petitioner, namely, a writ of *mandamus* directing mutation of her name in the revenue records, pertains to land which already stands acquired. Upon acquisition, the land vests absolutely in the State, free from all encumbrances, and consequently, the question of mutation in the revenue records *qua* the erstwhile private ownership does not arise. Mutation, in any event, does not confer or extinguish title, and cannot be directed in writ proceedings where the underlying claim is founded upon disputed succession based on a Will. If the Petitioner asserts any right, title, or interest on the basis of testamentary succession, it is open to her to establish such rights before the competent civil court or to avail appropriate remedies in accordance with law within the land acquisition proceedings, if so advised.

6. Insofar as the prayer for release and disbursement of compensation is concerned, the same is governed entirely by the statutory framework under the Land Acquisition Act. Questions relating to entitlement, apportionment, or disbursal of compensation, particularly where claims are founded upon succession or derivative rights, fall within the domain of the authorities and *fora* contemplated under the said enactment. Such issues cannot be adjudicated in exercise of jurisdiction under Article 226 of the Constitution of India, especially in the present form.

7. The further prayer seeking disposal of the Petitioner's representation is, in effect, a reiteration of the substantive reliefs claimed in the present petition. It is well settled that a writ of *mandamus* cannot be issued in the absence of an enforceable legal right and a corresponding statutory duty. A



direction to consider or decide a representation cannot be granted where the underlying claim itself is not legally sustainable. No such direction is, therefore, warranted.

8. In view of the aforesaid, the Court is of the opinion that the petition is misconceived and is, accordingly, dismissed.

**SANJEEV NARULA, J**

**MARCH 28, 2026/hc**