
(2021) 09 DEL CK 0121

In the Delhi High Court

Case No : Civil Writ Petition No. 10831 Of 2021

Biru Ram & Anr

APPELLANT

Vs

North Delhi Municipal Corporation

RESPONDENT

Date of Decision : 23-09-2021

Acts Referred:

Citation : (2021) 09 DEL CK 0121

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

CM APPLN. 33420/2021 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 10831/2021 & CM APPLN. 33421/2021 (stay)

1. Petitioner seeks stay on the vacation order dated 13.09.2021 and a direction to the respondent corporation not to take any coercive action in respect of property bearing No. T-510/C, Hill Road, Baljit Nagar, Delhi till the regularization application is heard and decided.

2. Issue notice. Notice is accepted by learned counsel appearing for respondent.

3. Learned counsel appearing for respondent-Corporation submits that the regularization application stands rejected by order dated 12.02.2021 on the ground that chain of ownership was not complete.

4. Learned counsel for the petitioner submits that the order has never been communicated to the petitioner. He further submits that father of the petitioner was the owner of the property and he by a registered Will has bequeathed the property in favour of the petitioners. He submits that even otherwise petitioners are Class-I legal heirs of the deceased/owner of the property Mr. Nathu Ram.

5. He further submits that no notice or opportunity was given to the petitioner to produce the ownership documents.
6. Without getting into said controversy, since rejection of the regularization application has been done on the limited ground of incomplete ownership chain, an opportunity is required to be given to the petitioner to produce the complete chain of ownership documents in support of the regularization application.
7. Accordingly, this petition is disposed of permitting the petitioners to file a fresh application for regularization along with documents of chain of ownership within a period of two weeks from today.
8. Thereafter, respondent-Corporation shall dispose of the application for regularization on merits within a period of two weeks. In case the application is proposed to be rejected, a speaking order shall be passed and communicated to the petitioner to enable the petitioners to take their remedies in law.
9. Till the time the regularization application is decided and if rejected, for a period of one week thereafter, no coercive action shall be taken against the property of the petitioners.
10. It is, however, clarified that in case no regularization application is filed within a period of two weeks from today, this order shall automatically lapse and the Corporation would be at liberty to take action in accordance with law without recourse to the Court.
11. Petition is allowed in the above terms.