

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903
Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 05th July , 2018

Complainant : Sh. Kanhaiya Lal Mittal

Respondent : District Magistrate (North)
Revenue Department, Govt. of NCT of Delhi,
G.T. Karnal Road, Alipur,
Delhi-110036.

Grievance No. : PGC/2018/Rev./Annex.II/06

Grievance filed on : 28.05.2018

First hearing in the PGC, : 05.07.2018
Scheduled on

1. Brief facts of the complaint

Shri Kanhaiya Lal Mittal filed a complaint in PGC on 28.05.2018 related to mutation of land in various villages on the basis of will.

2. Proceedings in the Public Grievances Commission

The PGC has convened first hearing in the case on 05.7.2018 wherein the following were present:

Complainant : Present.

Respondent : Sh. Manoj Ambasta Tehsildar (North),
Revenue Department, GNCTD

3... **Relevant facts emerging during the hearing**

3.1 An ATR has been filed on behalf of SDM (Alipur), Revenue Department, GNCT of Delhi stating that *"the complainant is habitual and tries to mislead the authority by writing false allegation without any substantive evidence on issue of the mutation of land on the basis of alleged WILL. Some of the details of complained filed by him on the same issue are as under:-*

- 1. Central Vigilance Commission vide OM No.014/DLH/055/256149 dated 6.8.2014.*
- 2. Before the Hon'ble L.G. vide UO No.49(3)/RN/Rev/2013/07/16088 dated 10.10.2013.*
- 3. Public Hearing case before Chief Secretary of GNCT of Delhi on 09.4.14.*
- 4. Chairman, PGC vide multiple complaints and DRTI vide No.219/2017/PGC/DRI/Revenue.*
- 5. Public Grievance Monitoring System: 20 complaints.*
- 6. Central Public Grievance Redress and Monitoring System.*
- 7. Other Authorities like Divisional Commissioner/Dy.Commissioner etc.*

All the above authorities have been apprised by the facts of the matter and reports have been sent time to time by the then SDMs. However, brief facts are as under:-

The gist of the grievance of the above named complainant is related to mutation of land in various villages on the basis of the alleged WILL which had been made by recorded owner of the land in question (Here, it is clarified that the complainant does not belong to the family of the recorded owner / testator, as no proof has been shown.

The then Dy.Commissioner (North-West) vide order No.DC/NW/2009/296 dated 10.2.2009 remanded back the case of Sh. Kanhaiya Lal Mittal Vs. Ajit Prakash Jain & Ors. to the Court of SDM /RA (Narela) for de novo trial.

The SDM/RA (Narela) has passed speaking order, rejecting his contention for want of probate of the alleged WILL in case No.1977/RA/N/2008/3009 dated 29.04.2011

and vide corrigendum dated 26.05.2011. Aggrieved by the order of RA(Narela), an appeal has been filed by the complainant before Dy.Commissioner vide case No.62/DC/NW/2011 which is pending for adjudication.

Meanwhile, Review Petition has also been filed by Sh. Kanhaiya Lal Mittal before SDM/RA(Alipur) which was dismissed as an appeal is pending before the Appellant Court i.e. DC(North).

In view of the above stated litigations, the mutation on the basis of the alleged WILL has not been allowed. It is also noteworthy to mention here that the complainant has not taken / produced the probate order of WILL which also raise the line of suspicion. He has continuously been filing complaints as listed above in order to force and pressurize the Competent Authority to pass incorrect and illegal orders in his favour. The documents which he claims are misplaced, have no record of ever been submitted in the first place as per the record available nor he ever submitted any proof that he submitted such document by showing a receiving or submission slip for the same."

3.2 As per the version of Tehsildar (Alipur), Revenue Department, the WILL is of 1985 and as per this will, one Shri Nanhe Mal Jain has passed on the property in question to the complainant and the complainant wants to get it mutated. He further stated that different authorities have considered his application regarding mutation of the land from time to time by following due process of law. It was informed that applications regarding mutation of the same land had also been received from one Ms. Pushpa Lata Jain. Since applications for mutation of the same land from different persons were received, the complainant was directed to get the WILL probated to enable them to issue orders of mutation of the land. However, the same has not ever been done by the complainant. Tehsildar (Alipur), also informed that the Competent Authority has also rejected the mutation application of Ms. Pushpa Lata Jain in respect of the same land in the absence of probate of WILL by her. To come to a definite conclusion before issuing mutation orders in respect of the disputed property, probate of WILL is required to ascertain the ownership of the land. If there is one owner or the property is undisputed, probate of WILL is not required. However, the complainant has

denied the contention of Tehsildar (Alipur) and stated that there is no law for probate of WILL.

4. Directions of the PGC

4.1 In view of the facts mentioned in the Action Taken Report filed by SDM(Alipur), Revenue Department, and the deliberations held with the complainant as well as submissions put forth by Tehsildar (Alipur), it has transpired that an appeal of the complainant is pending before the Appellant Court i.e. DC(North) for consideration.

4.2 Ms. Tanvi Garg, D.M. (North), GNCT of Delhi, to look into the matter personally on priority and convey the outcome of the appeal filed by the complainant so that the grievance case could be concluded in PGC.

(SUDHIR YADAV)
MEMBER (PGC)

Copy to:

1. Divisional Commissioner, Revenue Department, Govt. of NCT of Delhi, 5- Sham Nath Marg, Delhi – 110054.
2. District Magistrate (North), Revenue Department, Govt. of NCT of Delhi, D.M. North Office Complex, G.T. Karnal Road, Alipur, Delhi-110036.
3. Sh. Kanhaiya Lal Mittal