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

% *Decided on: 24th May, 2023*

+ W.P.(C) 7246/2023 & CM APPLs. 28216/2023 & 28217/2023
ARUN KUMAR JAIN AND ANR. Petitioners

Through: Ms. Smita Maan with Mr. Jatin
Chillar, Advocates.
(M): 9818713233
Email: smitamaman@gmail.com

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Ms. Mehak Nakra, ASC (Civil),
GNCTD with Mr. Abhishek
Khari, Advocates.
(M): 9871144582

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL. 28217/2023 (Application on behalf of the petitioner under Section 151 CPC seeking exemption from filing original documents, certified copies and/or typed copies of documents/annexures)

1. Allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 7246/2023 & CM APPL. 28216/2023 (Application for stay under Section 151 CPC)

3. The present writ petition has been filed with prayer for restraining the respondent no. 1 from proceeding further in the proceedings pending under Section 185 of the Delhi Land Reforms Act, 1954 (DLR Act) bearing *Case no. 81/2019* titled as ***Gaon Sabha,***



Dera Mandi Vs. Arun Kumar Jain.

4. It is submitted that the said proceedings are pending in respect to the petitioner's land comprised in Khasra no. 18//11 min (2-08), 19 (4-16) & 20/1 min (1-06), situated in Village Dera Mandi, New Delhi.

5. It is the submission on behalf of the petitioner that the impugned proceedings are totally illegal, unlawful, null and void and non-est. It is submitted that the land in question was urbanised much before the initiation of the proceedings under Section 81 of the DLR Act. It is submitted that proceedings under Section 81 of the DLR Act were initiated in the year 2014. However, the area in question was urbanised in the year 2007 by operation of MPD, 2021 and the Zonal plan for Zone-J, 2007. It is further submitted the notification under Section 507A of the Delhi Municipal Corporation Act, 1957 (DMC Act), declaring the land as urbanized, has been issued in the year 2019 vide notification dated 20.11.2019.

6. It is further submitted that till date neither there is any final order passed in the impugned appellate proceedings, nor there is vesting of the land in question in the Gaon Sabha in proceedings under Section 81 of the DLR Act. It is submitted that the land in question is private land of the petitioner. Therefore, it is contended that after urbanisation of the area in question, the proceedings under the DLR Act cannot continue any further.

7. Issue notice.

8. Notice is accepted by Ms. Mehak Nakra, Additional standing counsel.

9. With the consent of the parties, the matter is taken up for final



disposal.

10. The law with respect to continuation of the proceedings under the DLR Act after consideration of an area has been settled by the Hon'ble Supreme Court in its judgment dated 14.03.2023 in *Civil Appeal No. 3828/2017*, titled as ***Mohinder Singh (dead) through LRs and Another Vs Narain Singh and Others***. By way of the said judgment, there is a clear finding by the Hon'ble Supreme Court that once an area has been urbanised, then proceedings under the DLR Act cannot continue any further.

11. Hon'ble Supreme Court in the aforesaid judgment has affirmed the judgment in the case of ***Smt. Indu Khorana Vs Gram Sabha & Ors., 2010 SCC OnLine Del 1334***, wherein it has been categorically held by the Division Bench of this Court that after urbanisation of an area in question, the provisions of DLR Act cease to apply to such areas.

12. Considering the aforesaid position of law, it is clear that no proceedings under the DLR Act can continue after urbanisation of the area in question with respect to land situated in such area declared as urbanized.

13. Accordingly, the proceedings pending under Section 185 of the DLR Act bearing 114/DCW/2007, titled as ***Gaon Sabha, Nangloi Jat Vs Hardev Singh & Ors.***, are hereby quashed.

14. However, liberty is given to the Gaon Sabha to initiate any proceedings in a Civil Court of competent jurisdiction, if so advised, and if available in law.



15. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

MAY 24, 2023/c

