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

% *Decided on: 11th May, 2023*

+ W.P.(C) 12081/2022 & CM APPL. 36127/2022

DINESH KUMAR GUPTA & ANR. Petitioners

Through: Mr. Kapil Sankhla alongwith
Mr. Akhilesh Aggarwal,
Advocates

versus

GOVT OF NCT OF DELHI Respondent

Through: Mr. Pramod Kumar, Advocate
for GNCTD (M:9717888012)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed with prayer for quashing the proceedings initiated by respondent under Section 81 of the Delhi Land Reforms Act, 1954 (DLR Act) vide case No. 153/RA/SDM/PB/2016/8126-27 in respect of Khasra No. 43/16/2 min (1-0), 17/1 min (0-18) situated in Village Mundka, Delhi.
2. It is the case on behalf of the petitioner that the area in question already stands urbanised by way of notification dated 16.05.2017. Thus, it is submitted that the proceedings that were initiated under Section 81 of the DLR Act in the year 2015, cannot continue.
3. Counter affidavit has been filed on behalf of the Govt. of NCT

of Delhi. Along with counter affidavit, an order dated 27.04.2023 issued by the court of Sub-Divisional Magistrate (SDM)/R.A., Punjabi Bagh has been attached. As per the said order dated 27.04.2023 passed by the SDM/R.A., Punjabi Bagh, the proceedings under Section 81 of the DLR Act, as pending against the petitioner herein have been dropped.

4. Ld. Counsel for the petitioner submits that by way of the order dated 27.04.2023, the proceedings under Section 81 of the DLR Act have been dropped against the petitioner, however, the same has been dropped only on the ground that proceedings under Section 81 of the DLR Act are time barred. He submits that after the urbanisation of the area in question, the provisions of the DLR Act as such would not be applicable to the area in question.

5. I have heard Id. Counsels for the parties.

6. Order dated 27.04.2023 clearly shows that the proceedings against the petitioner under Section 81 of the DLR Act already stands dropped. It may also be noted that since the area in question already stands urbanised by way of the notification dated 16.05.2017, thus, any proceedings pending under the DLR Act cannot continue. Law in this regard is very clear as elucidated by Hon'ble Supreme Court in the case of *Mohinder Singh (Dead) Through Lrs and Another Vs. Narain Singh and Others*, 2023 SCC OnLine SC 261.

7. In view of the aforesaid, the proceedings under Section 81 of the DLR Act could not have continued against the petitioner after the urbanisation of the area in question in the year 2017.

8. In view of the aforesaid, the present writ petition is disposed of

as satisfied, with the aforesaid observations along with pending application.

MINI PUSHKARNA, J

MAY 11, 2023/au

