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

CNR No. DLHC010399312026

+ **W.P.(C) 12394/2026**

ASHOK KUMAR AND OTHERS Petitioners

Through: Mr. Balraj Kaushik, Advocate.

versus

FINANCIAL COMMISSIONER AND OTHERS Respondents

Through: Mr. Amandeep Joshi, Govt. Counsel
for R-1 to 7.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **25.08.2026**

1. The Petitioners seek to reopen consolidation proceedings in Village Chhawla which, so far as the present controversy is concerned, culminated more than three decades ago. The principal challenge is to the order dated 24th June, 1994, passed by the Financial Commissioner and, consequentially, to the order dated 11th January, 1984 of the Consolidation Officer.

2. The background needs only a brief reference. By the order dated 11th January, 1984, the Consolidation Officer made certain adjustments in the holdings of the predecessors of the Petitioners. That order was passed pursuant to an earlier order dated 6th September, 1983 of the Financial Commissioner. The Settlement Officer (Consolidation), by order dated 21st March, 1994, altered the arrangement insofar as late Sri Ram was concerned and restored Khasra No. 14/2/2 (0-5) to him in place of Khasra No. 19/3/1



(0-10).

3. The order of the Settlement Officer was carried in revision under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948. By the impugned order dated 24th June, 1994, the Financial Commissioner set it aside. The Financial Commissioner traced the earlier proceedings, noticed that the order dated 11th January, 1984 had been passed in implementation of the earlier directions dated 6th September, 1983, and restored that order.

4. The present writ petition has been instituted only in 2026. That fact is decisive in the present case. Late Sri Ram, through whom the Petitioners claim, was a party to the proceedings before the Financial Commissioner and had appeared therein in person. The order dated 24th June, 1994, therefore, cannot be treated as one which came to the knowledge of the Petitioners or their predecessor only recently. On the contrary, the Petitioners' own documents show that late Sri Ram continued thereafter to pursue grievances concerning the revenue record and the disputed land. The challenge now brought is thus not the result of any recent discovery, but an attempt to unsettle orders that had long attained finality. There is, therefore, no explanation worth accepting for the Petitioners' silence over nearly thirty-two years, much less for assailing in 2026 an order of the Consolidation Officer passed in 1984.

5. In ***Gram Panchayat, Kakran v. Additional Director of Consolidation¹***, the Supreme Court, while considering the scope of Section 42, held that the provision cannot be understood as enabling a party aggrieved by the consolidation scheme or repartition to make an application



after an unreasonably long lapse of time. Even where no period of limitation is prescribed, the aggrieved party is required to move the appropriate authority for relief within a reasonable time. This Court reiterated the same principle in **Sanjay v. Financial Commissioner, Delhi & Ors**², observing that matters which have attained finality pursuant to consolidation proceedings cannot be reopened as a matter of right after a long delay, as otherwise there would never be any finality to consolidation proceedings.

6. The case against interference is even stronger here. The Petitioners seek to unsettle not only the allotment made on 11th January, 1984, but an arrangement made pursuant to the Financial Commissioner's earlier order dated 6th September, 1983 and restored by him on 24th June, 1994. That foundational order of 6th September, 1983 has never been challenged. The Court is therefore being asked, after more than four decades, to undo an arrangement resting on an order which still stands.

7. The later events relied upon by the Petitioners do not revive the cause of action. The 2002 complaint about alleged irregularities in the revenue record was not a challenge to the Financial Commissioner's order before a competent Court. The 2013 demarcation application concerned an extended Lal Dora plot in Khasra No. 385 min. Nor did the proceedings under Section 85 of the Delhi Land Reforms Act, 1954, reopen or annul the consolidation orders; they were disposed of in 2025 only because, after urbanisation of Village Chhawla, the Revenue Court lacked jurisdiction under that Act.

8. Repeated representations or collateral proceedings cannot revive a challenge that was available decades ago. The continuing effect of an old

¹ (1997) 8 SCC 484

² 2011 SCC OnLine Del 2204



order is not, by itself, a continuing cause of action.

9. Counsel for the Petitioners submits that the 1984 allotment frustrated the object of consolidation, as parts of the holding came to lie at some distance from one another. That grievance was available when the order was made and, at the latest, when the Financial Commissioner decided the revision in 1994. Article 226 cannot now be used, after more than three decades, to undertake an appellate review of the comparative suitability of allotments made during consolidation.

10. The Court has also examined whether the case discloses any jurisdictional error or patent illegality serious enough to overlook the extraordinary delay. It does not. The Financial Commissioner acted under Section 42; late Sri Ram was heard; the earlier proceedings were noticed; and reasons were given for restoring the order dated 11th January, 1984. That another view on allotment may have been possible is not enough to unsettle proceedings of this vintage.

11. The Petitioners also seek demarcation of an extended Lal Dora plot measuring 0-3 out of Khasra No. 385 min. The documents relied upon for this relief are an application for demarcation and a communication dated 16th February, 2018, forwarding the request to the District Magistrate (South-West) for necessary action. This claim is distinct from the challenge to the consolidation orders dated 11th January, 1984 and 24th June, 1994. No relief can be granted on that claim in these proceedings. It is, however, clarified that dismissal of this petition will not preclude the Petitioners from pursuing any remedy for demarcation that may otherwise be available in law.

12. For these reasons, the challenge to the orders dated 11th January, 1984 and 24th June, 1994 is declined on the ground of gross and unexplained



delay and laches.

13. The writ petition, along with pending applications, is dismissed.

SANJEEV NARULA, J

AUGUST 25, 2026

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