



\$~7

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

CNR No. DLHC010438292024

+ **W.P.(C) 10308/2024, CM APPL. 72619/2025, CM APPL. 8432/2026**

SH. NITESH BHARDWAJ

.....Petitioner

Through: Mr. Rajesh Yadav, Senior Advocate
with Mr. V.P. Rana and Mr. Kunal
Mittal, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Manika Tripathy, SC for DDA
with Mr. Aman Kumar, Advocates.
Ms. Avni Singh, Panel Counsel,
GNCTD with Mr. Vaibhav Sharma,
Advocate with Ms. Ruchi Jain, SDM
on VC with Mr. Ashish, Patwari.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.08.2026

%

1. The controversy has its origin in the consolidation proceedings concerning Village Kapashera, New Delhi. The Petitioner is the successor-in-interest of late Smt. Ramesh Kumari Bhardwaj, who was allotted land measuring 27 bighas 4 biswas in the repartition undertaken in 1988.
2. In 1995, the Consolidation Officer permitted an exchange under which the aforesaid land was withdrawn from Smt. Ramesh Kumari Bhardwaj and land from the holding of the Deputy Commissioner was allotted to her in its place. The exchange eventually became the subject matter of W.P.(C) 7687/2004. By judgment dated 5th December, 2008, this



Court set aside the order dated 1st December, 1995 and the subsequent orders sustaining it. The challenge to that judgment failed before the Division Bench and thereafter before the Supreme Court.

3. What followed is the subject matter of the present proceedings. According to the Petitioner, upon reversal of the exchange, land measuring only 19 bighas 9 biswas was restored against the original holding of 27 bighas 4 biswas, leaving a deficiency of 7 bighas 15 biswas. An application seeking allotment of the deficient land was rejected by the Consolidation Officer on 28th February, 2012 on the ground that the consolidation proceedings had already concluded and the authority had become *functus-officio*. The revision carried against that order also did not result in an adjudication on merits. During its pendency, Village Kapashera was urbanised and the Financial Commissioner ultimately declined to exercise jurisdiction, leaving the parties to pursue their remedies in accordance with law.

4. When the present petition was taken up, GNCTD filed a counter affidavit, in which it expressly accepted that Smt. Ramesh Kumari Bhardwaj was entitled to restoration of 27 bighas 4 biswas and that only 19 bighas 9 biswas had been restored, leaving a deficiency of 7 bighas 15 biswas. It was on the basis of this position that the subsequent orders in the present proceedings proceeded to examine the identification and availability of land from which the deficiency could be made good.

5. A difficulty thereafter arose because GNCTD and DDA took different positions as to the authority responsible for making the land available. By order dated 11th August, 2025, this Court recorded that the Petitioner's claim ought not to be made dependent upon the *inter se* dispute between the two



authorities and directed them to jointly examine the matter. When no meaningful progress followed, further directions were issued on 23rd September, 2025 and 6th February, 2026 requiring a focused examination of the relevant record, the extent and status of the land available after urbanisation, and whether any portion thereof could be utilised towards the deficiency asserted by the Petitioner.

6. Pursuant to the latest directions, GNCTD has now filed an affidavit based upon the status report dated 21st July, 2026. Its present position is materially different from that taken earlier. Instead of acknowledging a deficiency of 7 bighas 15 biswas, GNCTD now asserts that, upon reconciliation of the record, excess land measuring approximately 28 bighas has been allotted to the Petitioner or his predecessor-in-interest and the same is liable to be recovered. The affidavit is taken on record and a copy has been furnished to counsel for the Petitioner.

7. Mr. Rajesh Yadav, Senior Counsel appearing for the Petitioner, disputes the computation and questions how GNCTD can now arrive at a conclusion diametrically opposed to the position taken in its earlier affidavit. He submits that another round of affidavits would serve little purpose. Since the village has meanwhile been urbanised and DDA is presently concerned with the land stated to have vested in it or been placed at its disposal, he suggests that the entire record be reconciled in a joint exercise in which DDA also participates.

8. Ms. Avni Singh, Panel Counsel for GNCTD, and Ms. Manika Tripathy, SC for DDA, submit that any such exercise must necessarily take into account the latest affidavit and the underlying revenue and consolidation record.



9. The record has reached a stage where the controversy cannot appropriately be resolved by comparing one affidavit with another. The two positions taken by the GNCTD are irreconcilable on their face. The earlier affidavit acknowledges a deficit of 7 bighas 15 biswas. The latest affidavit asserts an excess allotment of approximately 28 bighas. The latter position may ultimately be borne out by the original record, but it cannot simply displace the earlier admission without explaining, parcel by parcel, where the earlier computation went wrong.

10. The enquiry must therefore return to the source record. What requires determination is not an abstract question of entitlement, but the actual consequence of the judgment dated 5th December, 2008: what land stood in the account of Smt. Ramesh Kumari Bhardwaj before the exchange of 1995, what was withdrawn pursuant to that exchange, what was thereafter restored, and whether, after accounting for every subsequent entry, there remains a deficit or an excess. That exercise necessarily requires the historical consolidation and revenue record maintained by GNCTD as well as the record concerning the present status of the land after urbanisation. Neither authority can resolve the matter satisfactorily by examining its own record in isolation.

11. The Petitioner cannot, after the considerable passage of time and several rounds of proceedings, be left between two public authorities, each pointing to the other. A final reconciliation must now be undertaken.

12. Accordingly, the following directions are issued:

i. The concerned District Magistrate and the Commissioner (Land Management), DDA shall jointly undertake a reconciliation of the complete record concerning the allotment of Smt. Ramesh Kumari Bhardwaj. The



exercise shall be carried out with the assistance of officers conversant with the original consolidation and revenue records.

ii. GNCTD shall place before the said officers the complete original record relevant to the repartition, the order dated 1st December, 1995, the entries made upon reversal of that order pursuant to the judgment of this Court dated 5th December, 2008 in W.P.(C) 7687/2004, and every subsequent allotment, restoration or adjustment relied upon in arriving at the computation contained in the affidavit filed pursuant to the order dated 6th February, 2026.

iii. The Petitioner shall be afforded an opportunity of hearing and shall be permitted to place a concise statement of his own computation, together with the documents on which he relies.

iv. The reconciliation shall specifically identify the land which stood allotted to Smt. Ramesh Kumari Bhardwaj immediately before the order dated 1st December, 1995, the land withdrawn pursuant to that order, the land restored after the judgment dated 5th December, 2008, and every subsequent entry or adjustment relied upon by either authority. The exercise shall then record, in clear terms, whether any deficit or excess subsists and its precise extent.

v. In view of the materially different positions taken by GNCTD at different stages of these proceedings, the final reconciliation shall also explain the basis for the departure, if any, from the computation contained in the earlier counter affidavit.

13. If the aforesaid Departments arrive at a common conclusion, a joint report recording the reconciled position and the consequential course proposed to be adopted shall be furnished to the Petitioner. If they are



unable to agree on any material aspect, the precise point of difference, together with the relevant record, shall be placed before the Vice Chairman, DDA and the Divisional Commissioner, GNCTD, who shall resolve the same after hearing the Petitioner.

14. The entire exercise shall be completed within a period of ten weeks from today. If a deficiency is ultimately found to subsist, the decision shall also identify the authority presently competent to address it; the land, if any, lawfully available for that purpose; and the consequential steps required to be taken. Equally, if the authorities conclude that excess land has been restored or allotted, no adverse action for recovery shall be taken against the Petitioner, except in accordance with law, and after affording him an opportunity to respond to the factual and legal basis of such proposed action.

15. The order dated 28th February, 2012, whereby the Consolidation Officer declined to examine the claim on the ground that the consolidation proceedings had concluded and the authority had become *functus-officio*, shall not impede the exercise directed by this Court. The present directions are neither in the nature of a remand to the Consolidation Officer nor do they entail any determination as to the jurisdiction of the consolidation authorities after urbanisation. They have been issued having regard to the peculiar course of the present proceedings, the materially divergent stands taken by GNCTD in its affidavits, and the need to reconcile the underlying record. The consequential decision shall be taken by DDA, having regard to the present status and control of the land after urbanisation, and after considering the reconciled record and affording the Petitioner an opportunity of hearing.

16. All contentions of the parties in that regard are left open.



17. The petition, along with the pending application(s), is disposed of in the above terms.

SANJEEV NARULA, J

AUGUST 13, 2026

nk