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

CNR No. DLHC011613142016

+ W.P.(C) 5440/2016, CM APPL. 22636/2016, CM APPL. 24588-24589/2021, CM APPL. 24591/2021, CM APPL. 51094/2022, CM APPL. 48077/2025 & CM APPL. 57877-57878/2026

BADAL & ORS

.....Petitioners

Through: Mr. Praveen Suri, Mr. Sagar Nandwani, Advocates.

versus

GAON SABHA BIJWASAN & ANR

.....Respondents

Through: Mr. Tushar Sannu, Mr. Vaibhav Tripathi, Mr. F. Rehman, Advocates for GNCTD.

CNR No. DLHC011613092016

+ W.P.(C) 5445/2016, CM APPL. 22666/2016, CM APPL. 24601-24604/2021, CM APPL. 51088/2022 & CM APPL. 57875-57876/2026

BADAL & ORS

.....Petitioners

Through: Mr. Praveen Suri, Mr. Sagar Nandwani, Advocates.

versus

GAON SABHA BIJWASAN & ANR

.....Respondents

Through: Mr. Tushar Sannu, Mr. Vaibhav Tripathi, Mr. F. Rehman, Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.08.2026

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1. These two writ petitions arise out of the same proceedings under Section 81 of the Delhi Land Reforms Act, 1954,¹ in respect of land comprised in Khasra Nos. 60/18 and 60/23, situated in the Revenue Estate of Village Bijwasan. They are being disposed of by this common order.
2. The two writ petitions arise from the two limbs of the Revenue Assistant's order dated 5th March, 2007. By that order, land measuring 3 bighas 12 biswas in Khasra No. 60/18 and 1 bigha 4 biswas in Khasra No. 60/23, aggregating 4 bighas 16 biswas, was vested in the Gaon Sabha. Proceedings under Section 81 were, however, dropped in respect of the remaining 1 bigha 4 biswas in Khasra No. 60/18 and 12 biswas in Khasra No. 60/23, which was found to be under agricultural use. These two parts of the same order were assailed separately in appeal and revision.
3. The Petitioners carried the vesting order in appeal. Their appeal was dismissed by the Deputy Commissioner on 17th August, 2012. The Gaon Sabha, on the other hand, challenged the dropping of proceedings in respect of the remaining land. By a separate order dated 24th August, 2012, the Deputy Commissioner directed a fresh inquiry in respect of that portion, while maintaining the vesting already ordered in respect of the balance land. Two revision petitions consequently came to be filed. The Financial Commissioner disposed of both Revision Nos. 395/2012 and 396/2012 by a common order dated 9th February, 2016, declining interference with either of the appellate orders. It is this common order which has brought the parties before this Court in the present two petitions.

¹ "DLR Act"



4. During the pendency of these petitions, the Petitioners submitted a representation dated 15th March, 2026 to the Deputy Commissioner/District Magistrate, District South-West, Delhi, seeking de-vesting of the land measuring 4 bighas 16 biswas. By order dated 8th May, 2026, this Court directed the concerned authority to consider that representation. The District Magistrate/Deputy Collector, South-West thereafter examined the matter, called for a Local Status Report, and passed an order dated 4th August, 2026.

5. The significance of that order lies in its conclusion. After noticing the earlier proceedings, the plea concerning the age of the residential structures, the land-use history of Village Bijwasan, and the Local Status Report, the District Magistrate recorded as follows:

“the land measuring 4 Bighas and 16 Biswas comprised in Khasra No. 60//18 (3-12) and Khasra No. 60//23 (1-4) situated in the Revenue Estate of Village Bijwasan, Tehsil Bijwasan, New Delhi is likely entitled for de-vesting from Gaon Sabha and vesting in favour of the petitioners.”

6. The authority did not carry the matter further only because it considered itself bound by the order of the Financial Commissioner and observed that it could not decide the matter independently unless the case was remanded by the competent authority.

7. This subsequent development is material, as it shows that the competent revenue authority has re-examined the matter on the basis of the current status report and the relevant record. The authority has expressed a *prima facie* view in favour of de-vesting, but has declined to pass a final order only on the ground that the Financial Commissioner’s order dated 9th February, 2016 continues to operate. The continuation of that order, in these circumstances, would prevent the statutory authority from undertaking the very exercise that now appears necessary. A remand, therefore, is the appropriate course,



leaving all questions to be decided by the District Magistrate in accordance with law and after hearing all affected parties.

8. One aspect of the legal position must, however, be kept clear. Village Bijwasan was included in a notification dated 24th October, 1994 issued under Section 507(a) of the Delhi Municipal Corporation Act, 1957.² In ***Bijwasan Gram Vikas Samiti v. Government of NCT of Delhi***³, this Court recorded that the entire village stood urbanised under that notification, but by order dated 24th November, 2004 directed that the operation of the notification would remain suspended until the Central Government took a decision pursuant to the note dated 25th June, 2002. In 2013, Bijwasan was also included among the villages identified as Low Density Residential Areas⁴ under the modification to MPD-2021.

9. The legal position concerning the effect of a Master Plan or Zonal Development Plan on the applicability of the DLR Act has since been clarified by a Division Bench of this Court in ***Government of NCT of Delhi v. Ruksana Bano & Ors.***⁵ The Division Bench held that publication of a Master Plan or Zonal Development Plan under the Delhi Development Act does not, by itself, bring the operation of the DLR Act to an end. For that purpose, urbanisation takes place upon a notification under Section 507(a) of the DMC Act. This order, therefore, does not proceed on the footing that the 2013 LDRA notification, by itself, ousted the operation of the DLR Act.

10. It is unnecessary for this Court to decide, in these proceedings, the further questions concerning the precise effect of the 1994 notification during

² “DMC Act”

³ W.P(C) No. 2596/2001, decided on 24th November, 2004.

⁴ “LDRA”

⁵ LPA 34/2024, decided on 11th August, 2026.



the period when it remained operative, the date on which the alleged non-agricultural use commenced, or the Petitioners' plea of limitation. Those issues form part of the material which the District Magistrate has now examined. The Financial Commissioner's order dated 9th February, 2016, however, proceeded essentially on the premise that the Petitioners had not restored the land to agricultural use after the conditional order and that no prejudice would be caused by a fresh inquiry. In view of the subsequent exercise undertaken pursuant to this Court's order, the matter requires a fresh and composite consideration by the District Magistrate.

11. Accordingly, the common order dated 9th February, 2016 passed by the Financial Commissioner in Revision Nos. 395/2012 and 396/2012 is set aside. The appellate orders dated 17th August, 2012 and 24th August, 2012 are also set aside. The two appeals arising from the order of the Revenue Assistant dated 5th March, 2007 shall stand restored to the file of the District Magistrate/Deputy Collector, South-West.

12. The District Magistrate shall now decide both appeals together by a common order. The order dated **4th August, 2026 shall form part of that consideration**, and the earlier order of the Financial Commissioner shall no longer be treated as an impediment to passing such consequential order, including on the Petitioners' request for de-vesting. The authority shall also decide whether, in the present circumstances, any further proceedings survive in respect of the portion for which the Revenue Assistant had originally dropped proceedings.

13. While undertaking this exercise, the District Magistrate shall bear in mind the law declared by the Division Bench in *Ruksana Bano* and shall not proceed on the premise that the LDRA notification of 2013, by itself, resulted



in cessation of the DLR Act. All affected parties shall be afforded a brief opportunity of hearing, and a final order shall be passed within six weeks from today.

14. One clarification is necessary. Niranjana PropTech Pvt. Ltd. has been impleaded in these proceedings claiming through subsequent transactions concerning the land. Nothing stated in this order determines or reopens the *inter se* title or contractual rights of the Petitioners and the subsequent purchasers. The present order is confined to the proceedings arising under Section 81 of the DLR Act and the consequential revenue action.

15. The writ petitions, along with pending applications, are disposed of in the above terms.

SANJEEV NARULA, J

AUGUST 25, 2026/ab