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

+ **W.P.(C) 6527/2015**

RAKESH BAHADUR MATHUR Petitioner
Through: Mr S.K. Duggal, Adv.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents
Through: Mr Peeyoosh Kalra, Mr Sudhindra
Tripathi & Ms Sona Babbar, Advs. for R- 1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **10.07.2015**

CM Nos. 11883-11884/2015 (Exemption)

1. Allowed subject to just exceptions.

WP(C) 6527/2015 & CM No. 11882/2015 (Stay)

2. Issue notice.

3. Mr Kalra accepts notice on behalf of respondent no.1 and 2. In view of the directions that I propose to pass, for the moment, no notice is required to be issued to respondent no. 3 to 5.

4. Learned counsel for the petitioner says that the subject land being a land which is no longer used for agricultural purposes, could not have been ordered to be demarcated by respondent no.2 as jurisdiction qua that land does not vest in him. It is Mr Duggal's submission that proceedings under the Delhi Land Reforms Act, 1954 can be initiated only if the subject land is used as agricultural land and continues to be used for agricultural purposes.

The fact that this objection to jurisdiction was taken is sought to be demonstrated by Mr Duggal by referring to the proceedings held before the SDM; the typed copy of which is appended at page 128 of the paper book. Mr Duggal informs me that these are proceedings held on 19.08.2014.

5. In support of his submission, Mr Duggal relies upon a judgement of a Single Judge of this court dated 30.04.2013, passed in CS(OS) No. 758/2008, titled: *Mr Anand J. Datwani vs Ms Geeti Bhagat Datwani & Ors.*

6. Furthermore, my attention has been drawn to the proceedings dated 21.03.2015, whereby respondent no.2 has directed the Tehsildar to get the subject land demarcated. I am informed by Mr Duggal that the proceedings before respondent no.2 are still pending, and since, on the last date respondent no.2 was on leave, the next date in the matter has not been fixed. He, however, says that the matter is likely to be listed for hearing in this very month.

7. In these circumstances the writ petition is disposed of with a direction to respondent no.2 to first decide the objection pertaining to jurisdiction, before proceedings further in the matter.

RAJIV SHAKDHER, J

JULY 10, 2015

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