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

\+ LPA 874/2015 AND CM APPL.29191/2015

M/S MAHAJAN INDUSTRIES PVT LTD ..... Appellant

Through Ms. Smita Maan, Mr. Vishal Maan and Mr. Paritosh Tomar, Advs.

versus

GAON SABHA CHATTARPUR ..... Respondent

Through Mr. Santosh Kumar Tripathi, ASC with Mr. C.M. Sundaram, Adv. for GNCTD.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% **24.01.2018**

The appellant's grievance is that the impugned order even while granting relief and remitting the matter for consideration of the Revenue Assistant and other Revenue Authorities, has not decided the crucial jurisdictional issue i.e. applicability of the Delhi Land Reforms Act, 1954 ('the Act'). According to the counsel, the enactment has no application because the suit lands (Khasra nos.1274 Min, 1275, 1276/2, 1279/2), Revenue Estate village Chhattarpur, New Delhi have lost their character as agricultural lands. The judgment in *Shri Neelpadmaya Consumer Products Pvt. Ltd. Vs. Satyabir @ Satbir & Ors.*, 227 (2016) DLT 654 has ruled that lands, which are also the subject matter of the Delhi Master Plan and are dealt with separately, in other enactments, have in essence lost their character as agricultural lands. According to the learned Single Judge, in that case, the Delhi Land Reforms Act seized to have application over them. It is stated that similar writ petitions on the identical question of law as to the applicability of the Delhi Land Reforms Act, are pending in two writ petitions i.e. WP(C) 8098/2012 and WP(C) 537/2011.

Learned counsel for the Revenue urges that the impugned order merely remits the issue before the Revenue Assistant, who is directed to issue a fresh order on the application under Section 81 of the Act and that, all objections and contentions are available.

The Court is of the opinion that the question urged goes into the root of the Revenue's jurisdiction and would have to be answered substantially after hearing the counsel for the parties. In these circumstances, since the same question is pending consideration in two writ petitions, the impugned order is hereby set aside. WP(C) 10270/2015 is hereby remitted to be heard alongwith WP(C) 8098/2012 and WP(C) 537/2011 finally. In the meanwhile, pending final judgment by the learned Single Judge, order made on 29.1.2016 shall continue to bind the parties. The appeal is allowed in the above terms.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 24, 2018

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