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

% *Decided on: 25th May, 2023*

+ **W.P. (C) 7309/2023**

AJAY SINGH

..... Petitioner

Through: Mr. S.S. Gulia and Mr. Ravi Prakash, Advs. along with petitioner. (M:9958446751, Email:raviprakash197@gmail.com)

versus

GOVERNMENT OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Hetu Arora Sethi, ASC, GNCTD with Ms. Kavita Nailwal, Adv. for R-1. (M:9873725564, Email:hetuarorasethiadv@gmail.com)
Ms. Manika Tripathy, SC, for R-2/DDA, (M:9811831835, Email:manikatripathy@yahoo.Com)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL.28423/2023(Application under Section 151 of CPC for exemption from filing certified copies of the annexures, Dim and True typed copies on behalf of the petitioner)

1. Allowed, subject to just exceptions.
2. Application is disposed of.



W.P.(C) 7309/2023 & CM APPL.28424/2023(Application under Section 151 of CPC staying the operation of the impugned letter dated 16.10.2020 & 21.12.2020 made by the Govt. of NCT of Delhi)

3. The present petition has been filed on behalf of the petitioners challenging the allotment letters dated 16.10.2020 and 21.12.2020 issued by the Government of NCT of Delhi, whereby the land bearing Khasra No.98/1, village Dhichaou Kalan has been handed over to DDA.

4. It is the contention on behalf of the petitioners that the land in question was allotted to the petitioners under the 20 Point Programme of the Central Government, that was meant for poor harijans/landless farmers.

5. It is submitted that petitioners are in continuous cultivatory possession of the land since the last 35 years and are cultivating the land till date.

6. It is further submitted that the petitioners are entitled for declaration of Bhumidari rights under Section 74(4) of the Delhi Land Reforms Act, 1954 (DLR Act).

7. It is submitted that the case of the petitioners for declaration of their Bhumidari rights is pending before the Sub-Divisional Magistrate (SDM), Najafgarh and the next date before the Learned Sub-Divisional Magistrate is 23.06.2023.

8. Thus, by way of present writ petition, it is prayed that the petitioners herein may not be dispossessed till their petition for declaration of Bhumidari rights is pending before the Learned Sub-



Divisional Magistrate.

9. On the other hand, learned Standing Counsel for DDA appearing on advance notice submits that the area in question already stands urbanized. Thus, she submits that in terms of the various judgments of Hon'ble Supreme Court and this Court, the provisions of DLR Act will not apply to the area in question. Thus, she submits that the proceedings before the Learned SDM for declaration of Bhumidari Rights of the petitioners, cannot continue as such.

10. Learned counsel appearing for the petitioners on the other hand submits that despite urbanisation of land, in various cases, Bhumidari rights of the concerned persons have been declared by the Revenue Authorities.

11. I have heard learned counsels for the parties and with the consent of the parties I propose to dispose of the present matter finally.

12. In view of the submissions made by Learned Standing Counsel for DDA, it is manifest that the area in question already stands urbanized. Therefore, the claim of the petitioners for claiming any title over the land in question, cannot continue before the Revenue Authorities, as the provisions of DLR Act cease to apply after urbanization of area.

13. In this regard it may be noted that Hon'ble Supreme Court in the case of *Mohinder Singh (dead) through LRs and Another Vs Narain Singh and Others, 2023 SCC OnLine SC 261* has held as under:-

“36. After harmonizing the provisions of the Act, 1954



and Act 1957, we are of the considered view that once a notification has been published in exercise of power under Section 507(a) of the Act, 1957, the provisions of the Act, 1954 cease to apply. In sequel thereto, the proceedings pending under the Act, 1954 become non est and loses its legal significance.”

14. This Court notes that the petitioner claims to be in possession of the land in question for the last 35 years and claims to be cultivating the land in question. This Court also notes the fact that the proceedings were initiated by the petitioners for declaration of their Bhumidari Rights before the Learned Sub-Divisional Magistrate in the year 1988. Considering the aforesaid facts, it is deemed proper to give opportunity to the petitioners to approach appropriate Civil Court for declaration of their title and possessory rights over the land in question.

15. In view thereof, it is directed that since in view of urbanisation of the land in question, the proceedings under the DLR Act pending before the Learned Sub-Divisional Magistrate will not be able to continue, the petitioners are at liberty to approach appropriate Civil Court for claiming relief with respect to their possessory rights, title and interest, if any, over the land in question.

16. In view thereof, the respondents are directed to maintain status quo with respect to possession of the petitioners for a period of 10 weeks from today, in order to facilitate the petitioners to approach the Civil Court in appropriate proceedings.

17. It is clarified that in case the petitioners do not file any appropriate proceedings before the Civil Court with respect to



declaration of their claim with respect to rights over the land in question and they do not obtain any interim orders in their favour, the present status quo order shall cease to operate after 10 weeks from today.

18. It is further clarified that this Court has not given any finding on the merits of the case either with respect to the claim of the petitioners or claim of the DDA.

19. All rights and contentions of the parties have been left open to be agitated in appropriate proceedings.

20. With the aforesaid directions the present writ petition is disposed of.

MINI PUSHKARNA, J

MAY 25, 2023
SC

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