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

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Decided on: 30th May, 2023

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W.P.(C) 7323/2023 & CM APPL. 28496/2023

GHANSHY AM DASS SINCE DECEASED THROUGH HIS
LRS AND ORS. Petitioners

Through: Mr. Rajesh Yadav, Senior
Advocate with Ms. Ruchira V.
Arora and Mr. Dhananjay
Mehlawat, Advocates.
(M): 9911006159

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versus

GOVERNMENT OF NCT OF DELHI & ANR.....Respondents

Through: Mr. Anupam Srivastava, ASC
with Ms. Sarita Pandey,
Advocate for respondent no. 1
and 2.
(M): 9205174429
Email: sarita@tclindia.in

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****[Physical Hearing/ Hybrid Hearing]****MINI PUSHKARNA, J. (ORAL):**

1. The present writ petition has been filed on behalf of the petitioners for quashing/setting aside the conditional order dated 21.08.1998 passed by the Learned Revenue Assistant Saket, in *Case No.186/RA/1987*, titled as ***G.S.Saidulajaib vs. Chuttan***.
2. By way of the said order, the respondent had directed the petitioners to convert the land of the petitioners situated in Village



Saidulajaib, New Delhi to agricultural use within a period of three months. The present writ petition also assails the judgment dated 30.01.2021 issued on 02.02.2021 by which the conditional order dated 21.08.1998 was made absolute, consequently vesting the subject land in Gaon Sabha, Sultanpur under Section 81 of the Delhi Land Reforms Act, 1954 (DLR Act).

3. The petitioners had filed an appeal before the Collector under Section 185 of the DLR Act challenging the said judgment passed by the learned Revenue Assistant. The said appeal was also dismissed by the learned Deputy Commissioner/Collector (South) vide order dated 23.07.2022 on the ground that the appeal was not maintainable.

4. By way of the present writ petition, it is contended that the proceedings under Delhi Land Reforms Act, 1954 were non-est and vitiated being nullity as Village Saidulajaib was declared as urban area vide notification dated 22.11.2019, issued under Section 507A of the Delhi Municipal Corporation Act, 1957. Thus, it is submitted that the proceedings under the DLR Act are liable to be quashed, as the same could not have continued in view of the law laid down by the Supreme Court in the case of *Mohinder Singh (dead) through LRs and Another Vs Narain Singh and Others*, 2023 SCC OnLine SC 261.

5. On the last date of hearing, when the matter was listed, learned counsel for the respondent had not disputed the law position. However, the only objection raised on behalf of the respondent was that no documents of ownership had been filed on behalf of the petitioners.



6. In terms of the last order, ownership documents have been filed on behalf of petitioners viz sale deed dated 15.09.1980; copy of khatouni dated 01.08.2009 and copy of khasra Girdawari dated 29.06.2010.

7. In view of the aforesaid, it is clear that the petitioners have been able to satisfy this Court as regards their ownership over the land in question. However, learned senior counsel appearing for the petitioners submits that the present writ petition is being confined to Khasra No. 394/324/325/36 (1-16) in the revenue estate of Village Saidulajaib, New Delhi.

8. In the present case, the final order of vesting has been passed vide order dated 02.01.2021, while the notification of urbanization of the land in question was issued on 20.11.2019. Therefore, any proceedings under the DLR Act after the urbanization of the area in question, were clearly illegal and non-est. Thus, in view of the aforesaid, the impugned vesting order dated 02.02.2022 issued by the Court of Revenue Assistant/Sub-Divisional Magistrate with respect to Khasra No. 394/324/325/36 (1-16) in the revenue estate of Village Saidulajaib, New Delhi is set aside.

9. In view thereof, the conditional order dated 21.08.1998 with respect to Khasra No. 394/324/325/36 (1-16) in the revenue estate of Village Saidulajaib, New Delhi is also hereby set aside.

10. Consequently, the order dated 23.07.2022 issued by the District Magistrate (South), District South, Government of NCT of Delhi, is also set aside.



11. With the aforesaid directions, the present writ petition is disposed of.

MINI PUSHKARNA, J

MAY 30, 2023

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