



2024:DHC:2456



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

% Judgment delivered on: 19.03.2024

+ **W.P.(C) 3201/2023****SATISH KUMAR & ANR.**

..... Petitioners

versus

THE TEHSILDAR AND ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Abhimanyu, Mr. Aaditya Chopra
and Ms. Anjali, Advocates.

For the Respondents : Mr. Anupam Srivastava, ASC for
GNCTD with Ms. Sarita Pandey,
Advocate.
Ms. Shobhana Takiar, Standing
Counsel for DDA with Mr. Kuljeet
Singh, Advocates.

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G M E N T****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]**

1. This is a writ petition under Article 226 of the Constitution of India, 1950, *inter alia*, seeking the following reliefs :-

“(i) Set aside the impugned order dated 11/11/2022 bearing F .NO. SDM/NL/RTI/2021/ID-861/18701-702 whereby Respondent no. 1 had refused to demarcate the

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land of petitioner bearing KH. No. 57/11/3, (1-0) admeasuring 1 Bigha situated in Village Mamurpur, Narela, Delhi.

(ii) Direct respondent No. 1 revenue authority to demarcate the Petitioners' land being form Part of Kh. No. 57/11/3, admeasuring 1 Bigha situated in Village Mamurpur, Narela, Delhi-110040.

(ii) Hon'ble Court may also pass such further order considered just, fit, proper and expedient in the circumstances of the case."

2. On 02.03.2022, the petitioners state to have made a request for demarcation of land before the respondent No.1. No response was received thereon. The petitioners made yet again another request application on 14.10.2020 to the respondent No.1, which also was not responded to.

3. Thereafter, the petitioners claim to have kept visiting post COVID-19, the respondent No.1's office requesting demarcation of their land. On the basis that the said lands were not acquired.

4. Only on 11.11.2022, the respondent No.1 – the Tehsildar had rejected the application for demarcation on the ground that the Village Mamoorpur, Narela, Delhi has been urbanized under Section 507 A of the DMC Act, 1957, and as such, the provisions of DLR Act, 1954 cease to apply. Consequently, on such cessation, the Revenue Authorities under DLR Act do not have any right for jurisdiction to take any action of demarcation.

5. Consequently, the petitioners stated to have approached the DDA



– respondent No.2 with a request for such demarcation, pursuant thereto, on 15.07.2021 the JE (NMD-3)/DDA is stated to have held a meeting with the petitioners in respect of such proceedings. However, no further action was taken by the DDA.

6. The petitioners have also enclosed in the present petition the letter dated 20.07.2021 emanating from the Executive Engineer (NMD-3) to the Deputy Director, Land Management (North Zone), LU Block Pitampura, Delhi, in respect of the khasra No. 57//11/3 Village Mamoorpur, Narela, which belong to the petitioner.

7. Though the contents thereof, do not admit to the submissions made by the counsel for the petitioners, however, it is clear that the reference to the khasra numbers of the petitioners, are clearly made out.

8. Ms. Sarita Pandey, learned counsel appearing for the respondent No.1 submits that the notification under Section 507 A of the DMC Act, 1957 was issued on 20.11.2019, where Village Mamoorpur is at serial No. 11. She submits that since then the lands have become urbanized and the Revenue Authorities have no role to play, as the DLR Act, 1954 has ceased to apply.

9. Ms. Shobhana Takiar, learned Standing Counsel appearing for the respondent – DDA submits that the clarification in respect of the petitioners' submissions as also the documents is not there, however, she submits that since the Village Mamoorpur and the abutting lands have been urbanized, the authority, which will exercise, its jurisdiction would be the DDA.

10. In view of the above, it appears appropriate to this Court to direct



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the DDA to consider the present petition as a representation and dispose of the same within eight weeks from today by passing a reasoned and speaking order after affording an opportunity of hearing to the petitioners. The petitioners are also permitted to submit to the Competent Authority all records pertaining to the case, in support of his contentions.

11. The respondent No.1 – GNCT of Delhi, which is the custodian of all the records of the lands pertaining to Village Mamoorpur is directed to hand over the records in respect of khasra No. 57//11/3 of the Revenue Estate of Village Mamoorpur, Narela, Delhi to the DDA within four weeks from today.

12. The Competent Authority of the DDA shall take into consideration the representation as also the additional documents, if any, which may be filed by the petitioners, as also the records received from the GNCT of Delhi in respect of khasra No. 57//11/3 Village Mamoorpur, Delhi.

13. In case the Competent Authority is of the opinion that the issue can be resolved by the process of demarcation, the same be done in accordance with law.

14. The petition along with the pending applications is disposed of in the above directions.

TUSHAR RAO GEDELA, J.

MARCH 19, 2024/nd