



2024:DHC:2504



\$~63

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

% Judgment delivered on: 27.03.2024

+ **W.P.(C) 4508/2024****ASHOK CHANDRA**

..... Petitioner

versus

GOVERNMENT OF NCT OF DELHI AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Smita Maan and Mr. Vishal Maan,
Advocates.

For the Respondents : Mr. Shiven Varma, Panel Counsel for
GNCTD/ R-1 and R-2.

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]****CM APPL. 18422/2024 (for exemption)**

1. Exemption is allowed, subject to all just exception.
2. The application stands disposed of.

W.P.(C) 4508/2024 & CM APPL. 18421/2024 (for stay)

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

"i. Issue a writ, order or direction in the nature of prohibition

Signature Not Verified

Digitally Signed
By: VINOD KUMAR
Signing Date: 05.04.2024
12:59:38

W.P.(C) 4508/2024**Page 1 of 3**



thereby restraining the Respondent no.1 from proceeding further in the proceedings pending before it U/s 185 of the Delhi Land Reforms Act, 1954, bearing Case no. 146/2005 'Gaon Sabha Gadaipur Vs. Ashok Chandra', in respect of petitioner's land comprised in khasra no. 11 (4-16), 2711 min (2-11), 27/2 (1-08), 28/2 (3-11) and 29 (0-08) total ad-measuring 12 bighas and 14 biswas situated in village Gadaipur, New Delhi;

ii. issue a writ, order or direction In the nature of certiorari thereby quashing/setting aside the above proceedings for being null, non-est and void for patent lack of jurisdiction."

4. Ms. Smita Maan, learned counsel appearing for the petitioner submits that on an application under Section 81 of the Delhi Land Reforms Act, 1954, the Revenue Assistant by way of the order dated 05.01.2005 had, after calling for the status report from the Tehsildar, Hauz Khas ascertained that the entire land, which is the subject matter of the present petition, was being used for agricultural purposes. Finding no violation of the provisions under Section 81 of the DLR Act, the Revenue Assistant had dismissed the case instituted by the Gaon Sabha Gadaipur against the petitioner.

5. She submits that consequent thereto, the Gaon Sabha Gadaipur had filed an appeal bearing Appeal No. 146/2005 titled as "*Gaon Sabha Gadaipur vs. Ashok Chandra*", which is pending before the Deputy Commissioner (District South) Delhi.

6. She further submits that on 20.11.2019, the GNCT of Delhi under Section 507(a) of the DMC Act, 1957 had declared Village Gadaipur as urbanized and appeared at Serial No. 39 of the said notification. In pursuance thereto, the petitioner had filed an application before the ADM as also relied upon the judgment passed in *Rajeev Shah*



2024:DHC:2504



(Deceased) Through LR Ms. Gayatri Shah vs. Government of NCT of Delhi & Ors. in W.P.(C) 3502/2022 dated 10.04.2023, to submit that the said appeal ought to be dismissed in view of the urbanization of the said land.

7. She further submits that despite having filed an application in the year 2023, the same is pending till today constraining the petitioner to approach this Court.

8. Issue Notice.

9. Notice is accepted by Mr. Shiven Varma, learned Panel Counsel appearing for GNCTD/ R-1 and R-2.

10. In view of the above, it is deemed appropriate to direct the ADM (District South) to dispose of the application filed by the petitioner on 20.11.2023, positively within four weeks from today.

11. The timelines are strictly to be adhered, since the appeal has been pending since the year 2005 itself.

12. It is needless to state that the order shall be furnished to the petitioner forthwith.

13. The date, time and venue of the hearing of the application shall also be informed to the petitioner, in advance.

14. In view of the above, the writ petition along with pending applications are disposed of with the aforesaid directions.

TUSHAR RAO GEDELA, J.

MARCH 27, 2024/nd