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

+ W.P.(C) 6111/2023 , CM APPL. 23967/2023 &
CM APPL. 19408/2024

SH. ADESH JAIN & ANR.

..... Petitioners

Through: Mr. Ved Pal Rana, Ms. Jyoti Nambiar
and Ms. Bhawana, Advocates

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Rishikesh Kumar, ASC
(GNCTD) with Ms. Sheenu Priya, Mr.
Atik Gill, Mr. Sudhir Kumar Shukla
and Mr. Sudhir, Advocates for R-1 &
2.
Mr. Nitin Sangwan and Mr. Rohit
Balyan, Advocates for R-3

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% **ORDER**
02.04.2024
(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 :-

“a) call the record of proceedings conducted by the respondents no.2/ Tehsildar while passing the order dated 07.03.2022 in application No.12635/SDM/ALP/21.06.2021 and examine the legality and impartiality of the same;



b) pass a writ of mandamus, certiorari and prohibition or any other writ, order or direction thereby quashing/setting-aside the impugned order dated 07.03.2022 passed by the respondent no.2/Tehsildar in respect of Land Khasra No.53/26/1, Village Nangli Poona, Delhi-110036, in the interest of justice;

c) pass necessary direction to restore anything done by the respondent in pursuance to the order dated 07.03.2022 passed by the Tehsildar.”

2. The issue raised in the present petition is similar to the one laid in *W.P.(C) 5617/2020*, captioned *Sh. Adesh Jain & Anr. vs. Govt. of NCT of Delhi & Anr.* which has been disposed of in favour of Petitioner therein, today, i.e., 02.04.2024. To be specific, the operative portion of the judgement dated 02.04.2024 in *W.P.(C) 5617/2020* is extracted hereunder:-

*“17. That apart, another consideration would be that the said Village Nangli Poona has been specifically notified as Urbanized Area by virtue of the Notification under Section 507(a) of Delhi Municipal Corporation Act, 1957, dated 16.05.2017, whereby the said village is listed at serial No.40. This Notification read with the ratio of the Hon'ble Supreme Court in **Mohinder Singh (Dead) Through LRs and Another vs. Narain Singh and Others** reported in **2023 SCC Online SC 261**, would lead to the conclusion that the said area is an Urban Area and as such the DLR Act, 1954, in any case, would be inapplicable. It is equally submitted as to whether the Authorities under EPH Act, 1948, could exercise any jurisdiction at all. Moreover, the petitioner has already approached Civil Court for appropriate remedies in accordance with law and has also arrayed the private respondents including the Gaon Sabha as defendants before the Civil Court.”*

3. Since the issues raised are identical and so are the parties barring the private respondent, the present writ petition is also disposed off in similar terms. In the view of the above, the impugned



order dated 07.03.2022 passed by the respondent no.2/Tehsildar in respect of Land Khasra No.53/26/1, Village Nangli Poona, Delhi-110036, is quashed and set aside.

4. It is made clear that there is no observation made in the present petition *qua* the said respondents and rights of the parties are kept reserved before the Civil Court to be decided in accordance with law.

5. The writ petition, alongwith pending applications, stand disposed of.

TUSHAR RAO GEDELA, J

APRIL 2, 2024/*ns*