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

+ W.P.(C) 11767/2023

SATYAVIR SINGH & ANR.

.....Petitioners

Through: Mr. Rajesh Sachdeva and Ms. Ashu Arora, Advocates.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Jawahar Raja, ASC (Civil) with Ms. Aditi Saraswat and Ms. Puhumi Aditya, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

23.09.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India for quashing the proceedings pending before Sub Divisional Magistrate (South)/Respondent No.2 under Section 81 of Delhi Land Reforms Act, 1954 ('1954 Act') against the Petitioners in Case No.98/RA/HK/99 titled '*G.S. Saidulajaib v. Mangal Singh & Ors.*' with respect to land comprised in Khasra No. 261 (7-13) situated in the revenue estate of Village Saidullajab, New Delhi.

2. It is the case of the Petitioners that during pendency of the said proceedings, Village Saidullajab has been urbanised vide Notification dated 20.11.2019 and therefore, the provisions of 1954 Act have ceased to apply. Reliance is placed on the judgment of the Supreme Court in *Mohinder Singh (Dead) Through Lrs and Another v. Narain Singh and Others, 2023 SCC OnLine SC 261* as well as the learned Single Judge of this Court in



Sanvik Engineers India Pvt. Ltd. and Another v. Government of National Capital Territory of Delhi and Another, 2022 SCC OnLine Del 360.

3. Mr. Jawahar Raja, learned counsel appearing on behalf of the Respondents submits that current SDM has taken over recently and assures the Court that the representation of the Petitioners preferred in March, 2023 will be decided as expeditiously as possible.

4. Learned counsel for the Petitioners submits that in view of the judgment of the Supreme Court in ***Mohinder Singh (supra)***, proceedings under Section 81 of the 1954 Act are *non-est* and deserve to be quashed. It is also urged that with respect to the Petitioners herein and the same Village Saidullajab but for a different land comprised in Khasra No. 264 ad measuring 6 Bigha and 7 Biswa, proceedings under Section 81 have been quashed by this Court in W.P. (C) 15049/2023 in case titled '***Satyavir Singh and Anr. v. Govt. of NCT of Delhi and Anr.***', decided on 21.11.2023 in light of the judgment of the Supreme Court in ***Mohinder Singh (supra)***.

5. Having given thoughtful consideration to the submissions of the learned counsels, this writ petition is disposed of directing the concerned SDM to decide the representation of the Petitioners for dropping the proceedings initiated under Section 81 of 1954 Act in light of judgment of the Supreme Court in ***Mohinder Singh (supra)*** where the Supreme Court has held that after harmonizing the provisions of the 1954 Act and Delhi Municipal Corporation Act, 1957 ('DMC Act'), once a Notification is issued under Section 507(a) of DMC Act and the Village is urbanised, provisions of 1954 Act cease to apply and in sequel thereto, proceedings pending under 1954 Act become *non est* and lose their legal significance. While deciding the representation, learned SDM will also take into account the crucial fact



that in respect of the same Village and the Petitioners herein *albeit* for a different Khasra number, this Court has already quashed the proceedings in the case of *Satyavir Singh (supra)*. The decision will be taken within a period of 06 weeks from the date of receipt of this order and the order will be communicated to the Petitioners within a week from the date of the decision. Petitioners will be at liberty to take recourse to legal remedies in case of any surviving grievance.

JYOTI SINGH, J

SEPTEMBER 23, 2024/shivam