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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8933/2024**

SANEH SAREEN

.....Petitioner

Through: Mr. Vedpal Rana and Ms. Jyoti Nambiar, Advocates

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Aditi Saraswat, Advocate for Mr. Jawahar Raja, ASC (Civil), GNCTD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **03.07.2024**

1. This writ petition has been filed on behalf of the Petitioner seeking the following reliefs:-

“(a) issue writ, order, direction in the nature of mandamus directing the Revenue Assistant/Respondent No.3 to decide the pending application dated 15/17.04.2017 under Appendix VI Rule 14 of Delhi Land Reforms Rules read with Order 9 Rule 13 Section 151 CPC expeditiously and in a time bound manner; and/or

(b) pass such other or further writ, order or direction as this Hon'ble court may in view of the facts and circumstances of the case and in the interest of justice, deems fit and proper.”

2. As per the narrative set out in the writ petition, Petitioner purchased land measuring 1 bigha out of Khasra No. 49/13 Min at Village Alipur, Delhi from Smt. Sushma Rani Jain vide sale deed dated 05.01.1999. Revenue Assistant initiated *suo moto* proceedings under Section 81 of Delhi Land Reforms Act, 1954 ('1954 Act') in respect of the said land impleading Gaon Sabha as Petitioner and Smt. Sushma Rani Jain, the previous owner, as Respondent. On 21.03.2000, a conditional order was passed by the Revenue Assistant under Section 81 of 1954 Act against the Respondent therein directing her to convert the land back into agricultural purposes within three



months from the date of the order, failing which the land shall automatically vest in the Gaon Sabha and Respondent shall stand evicted. On 22.06.2000, the Revenue Assistant passed a final order holding that the land would vest in the Gaon Sabha with immediate effect and Respondent stands ejected.

3. Petitioner avers that final order dated 22.06.2000 was never executed and Petitioner continued enjoying ownership and possessory rights over the subject land. It is further averred in the petition that it was only in April, 2017 that Petitioner came to know that subject land had vested in Gaon Sabha and immediately checked the revenue record and as per legal advice, filed an application under Appendix VI Rule 14 of The Delhi Land Reforms Rules, 1954 ('1954 Rules') read with Order 9 Rule 13 CPC bringing to the notice of the concerned authority that notice under Section 81 of 1954 Act was never served on the Petitioner, despite being a recorded owner of the land and thus she did not get the opportunity to present her case. It was prayed that order dated 22.06.2000 be set aside in the interest of justice. The application is still pending adjudication, compelling the Petitioner to file the present writ petition.

4. Learned counsel for the Petitioner submits that the subject land had been sold to the Petitioner through a duly executed sale deed and Petitioner is the lawful recorded owner of the said land and therefore, it was incumbent on the Revenue Assistant to notify the Petitioner before passing the final order dated 22.06.2000. It is further submitted that as soon as the Petitioner learnt of the order, she filed an application for setting aside the same but the application is still pending and there has been no effective hearing on almost 40 dates. It is urged that a direction be given to the Revenue Assistant/ Respondent No.3 to dispose of the application, expeditiously.



5. Issue notice.
6. Ms. Aditi Saraswat, learned counsel appearing for Mr. Jawahar Raja, learned Additional Standing Counsel (Civil) accepts notice on behalf of Respondents and on instructions, states that the Presiding Revenue Assistant has recently taken charge and every endeavour shall be made to decide the application. It is, however, urged that the concerned village, in which the subject land is situated, stands urbanised and consequentially, the revenue officials have ceased to have jurisdiction in relation to the land under the 1954 Act and Respondent No.3 would lack the jurisdiction to pass any order on the application.
7. I have heard learned counsels for the respective parties.
8. Indisputably, the application filed by the Petitioner under Appendix VI Rule 14 of 1954 Rules read with Order 9 Rule 13 CPC is pending consideration before Respondent No.3. Even assuming for the sake of argument that the revenue officials lack the jurisdiction with respect to the subject land on account of the alleged urbanization of the village in which the land is situated, the application cannot be kept pending without any decision. It is accordingly directed that Respondent No.3 shall decide the application as expeditiously as possible and not later than a period of two months from today, in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case and it is open to Respondent No.3 to look into the aspect of his jurisdiction in the matter and decide the application accordingly.
9. Petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

JULY 3, 2024/kks