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

+ **W.P.(C) 9596/2024**

SH JEET RAM & ORS.

.....Petitioners

Through: Mr. Abhay Dixit and Mr. Akash
Tiwari, Advs.

versus

**GOVT OF NCT OF DELHI THROUGH DEPUTY
COMMISSIONER SOUTH**

.....Respondent

Through: Mr. Tushar Sannu and Mr. Sahaj
Karan Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **16.07.2024**

CM APPL. 39391/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking a declaration that the proceedings in *Appeal No. 864/2024* titled '*G.S. Asola v. Rampat (deceased)*' pending before the Deputy Commissioner, South Delhi, with respect to land bearing Khasra No. 286 (03-05), situated in village Asola, Delhi, be treated as abated. It is submitted that in view of the urbanisation, the appeal proceedings are *non-est* and without jurisdiction.



4. As per the narrative of the petition, late Sh. Rampat was recorded proprietor of the land in question and upon his death on 14.12.2010, Petitioners, power of attorney holder of other legal heirs, stepped forward to manage the estate. Proceedings were launched in respect of the land in 2009 under Section 81 of the Delhi Land Reforms Act, 1954 ('1954 Act') and a conditional order was passed on 16.05.2013 by the SDM, followed by an *ex parte* vesting order on 02.06.2014. It is alleged that on 30.08.2019, without prior notice or due process, boundary walls of the land were demolished followed by a warrant of attachment dated 24.09.2014. After learning of the said order, Petitioners filed an appeal before the Deputy Commissioner, which was dismissed on 05.07.2022. On 12.09.2022, Petitioners' application under Appendix-VI, Rule 14 was allowed leading to quashing of the order on 29.08.2023 allowing a fresh opportunity to the Petitioners to be heard.

5. It is further averred that proceedings under Section 81 of the 1954 Act were conclusively terminated on 27.10.2023 based on the urban status of the land but despite the urbanisation, Gaon Sabha, Asola, filed an appeal on 09.04.2024, which is *per se* not maintainable and therefore, the proceedings deserve to be terminated at the outset.

6. Issue notice.

7. Mr. Tushar Sannu, learned counsel accepts notice on the behalf of the Government of NCT of Delhi. On instructions, he submits that the appeal cannot be treated as abated since there are judgments of this Court holding that proceedings initiated prior to the Notification of urbanisation of a village can continue and therefore, if the Petitioners participate, directions can be issued to decide the same within eight weeks from today.



8. Having heard learned counsels for the parties, this petition is disposed of granting liberty to the Petitioners to raise the issue of the maintainability of the appeal before the Appellate Authority and as and when the objection is raised, the same shall be decided by the Appellate Authority before proceeding to decide the appeal on merits. Considering that the matter pertaining to the subject land has been in litigation since 2009, the Appellate Authority is requested to decide the appeal as expeditiously as possible and not later than two months from today. Petitioners will be at liberty to take recourse to appropriate legal remedies, if aggrieved by the order passed by the Appellate Authority.

JYOTI SINGH, J

JULY 16, 2024/jg/shivam