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

+ **W.P.(C) 9661/2024**

ANIL GUPTA & ANR.

.....Petitioners

Through: Mr. V.P. Rana with Ms. Jyoti Nambiar, Advocates

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Jawahar Raja, Additional Standing Counsel (Civil), GNCTD for Respondents.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **16.07.2024**

1. This writ petition has been preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“(a) Direct to the Deputy Commissioner/Respondent No.3 to decide the appeal No.29/DC/North/2013 titled Anil Gupta & Ors. Vs. Gaon Sabha, Alipur 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. Case of the Petitioners, as set out in the present petition, is that land bearing Khasra No. 89/17 min (1-05) situated in the revenue estate of Village Bakoli, Delhi is owned by the Petitioners while Khasra No. 89/17 min (1-06) in the said village belongs to one Sh. Ramdhari. On 16.08.2012, a report under Section 81 of the Delhi Land Reforms Act, 1954 ('1954 Act') was submitted by the Tehsildar to the Revenue Assistant complaining that



on the land bearing Khasra No. 89/17 min (1-05) and 89/17 min (1-06), a boundary wall was being constructed. On 12.09.2012, a conditional order under Section 81 of the 1954 Act was passed by the Revenue Assistant directing the Petitioners and Sh. Ramdhari to repair the damage or convert the land back into agricultural use. Response was given to the Revenue Assistant by the Petitioners stating that no construction was being done and in fact, the wall was broken by a moving truck, which has since been repaired. On 22.12.2012, order dated 12.09.2012 was made absolute and final order was passed whereby the land of the Petitioners and Sh. Ramdhari was vested into Gaon Sabha. On 21.01.2013, Petitioners preferred an appeal being Appeal No.29/DC/North/2013 under Section 185 of the 1954 Act before the Collector (North) against order dated 22.12.2012, which is stated to be pending, despite passage of 11 long years. The limited relief in the present petition is for a direction to the Deputy Commissioner (North)/Respondent No.3 to decide the aforesaid appeal.

3. Issue notice.

4. Mr. Jawahar Raja, learned Additional Standing Counsel accepts notice on behalf of Respondents.

5. Looking at the limited relief sought as also considering that the appeal is pending since 2013, Respondent No.3 is directed to dispose of the appeal as expeditiously as possible and not later than two months from today. It is open to the Competent Authority to pass an order in accordance with law including on the issue whether the Village in which the aforementioned Khasra is located, has been urbanized or not and consequentially, on the jurisdiction of Respondent No. 3 to continue with the appeal.



6. It is made clear that this Court has not expressed any opinion on the merits of the case. Liberty is granted to the Petitioners to take recourse to legal remedies depending on the outcome of the appeal.

7. Petition stands disposed of.

JYOTI SINGH, J

JULY 16, 2024/kks/shivam