



2024:DHC:2116



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

% Judgment delivered on: 13.03.2024

+ W.P.(C) 14449/2023

MANGAT RAM @ MANGAT RAI Petitioner

versus

GOVT OF NCT OF DELHI & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Counsel (Appearance not given).

For the Respondents : Mr. Anupam Srivastava, ASC for
GNCTD with Mr. Abhilash Mathur and
Ms. Anushka Bhatnagar, Advocates.**CORAM:****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G M E N T****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]**

1. The present petition has been filed under Article 226 of the Constitution of India, 1950, inter alia, seeking the following reliefs :-

“(a) Issue a writ in nature of prohibition to the Respondents and to quash the proceedings pending before the Deputy Commissioner (West) under Section 185 of the Delhi Land Reforms Act, 1954 in Appeal Case No. 292/DCW/2013 concerning the subject land measuring 01 bigha 07 biswa out of Khasra No. 72/5min (0-07), 72/5min (1-0) situated in the revenue estate of Mundka, Delhi.

(b) Pass any other order that this Hon'ble Court deems just fit and necessary.”



2024:DHC:2116



2. It is the case of the petitioner that the petitioner is the owner of the parcel of land measuring 1 bigha 07 biswa out of khasra No. 72/5min (0-07), 72/5 min(1-0) situated in the revenue estate of Mundka, Delhi having purchased the same *vide* registered sale deed dated 10.01.1994.

3. On 16.06.2010 and 10.11.2010, *ex parte* vesting orders were passed in respect of land pertaining to the petitioner. On obtaining the fard copy from the Halqa Patwari on 06.09.2012, the petitioner realized that the subject land had been vested *ex parte* in the Gaon Sabha. Accordingly, the petitioner had moved an application under Appendix VI Rule 14 of the Delhi Land Reforms Act, 1954 within time before the Revenue Assistant/ SDM (Punjabi Bagh) praying that the impugned *ex parte* vesting orders dated 16.06.2010 and 10.11.2010 be set aside and the subject land be restored in favour of the petitioner.

4. Upon being furnished with the report of the Halqa Patwari dated 10.10.2012, *vide* the order dated 18.10.2012, the Revenue Assistant reversed the *ex parte* vesting orders dated 16.06.2010 and 10.11.2010. Against the said reversal, the Gaon Sabha had filed an appeal before the Deputy Commissioner *vide* the Appeal No. 292/DCW/2013 under Section 185 of the Delhi Land Reforms Act, 1954.

5. While the said appeal was pending, by way of the notification dated 16.05.2017, the NCT of Delhi in exercise of the powers conferred under Section 507(a) of the Delhi Municipal Corporation Act, 1957 was pleased to declare the lands falling within the revenue estate of village Mundka as an urban area, and as such, w.e.f., 16.05.2017, the provisions of Delhi Land Reforms Act, 1954 ceased to apply to such lands.



However, despite such cessation, the Deputy Commissioner continued with the Appeal proceedings.

6. Learned counsel for the petitioner submits that post notification, read with the judgment passed by the Supreme Court in ***Mohinder Singh (Dead) through LRs and Another vs. Narain Singh and Others*** reported as **2023 SCC OnLine SC 261**, not only would the provisions of DLR Act, 1954 be inapplicable and cease, equally as per the ratio laid down by the aforesaid judgment, the proceedings themselves would become *non est* in law.

7. He submits that this Court in ***Rajeev Shah (Deceased) Through LR Ms. Gayatri Shah vs. Government of NCT of Delhi & Ors.***, bearing W.P.(C) 3502/2022 *vide* the order dated 10.04.2023, followed the ratio laid down by the Supreme Court in *Mohinder Singh (supra)* and submits that the same may be made applicable to the present case.

8. In view of the overall conspectus of the matter, it is apparent that the proceedings in Appeal No. 292/DCW/2013 pending before the Deputy Commissioner, would become *non est* in law, particularly, keeping in view the ratio of the judgment laid down by the Supreme Court in *Mohinder Singh (supra)*. The relevant paragraphs are extracted as under :-

“36. After harmonizing the provisions of the Act, 1954 and Act 1957, we are of the considered view that once a notification has been published in exercise of power under Section 507(a) of the Act, 1957, the provisions of the Act, 1954 cease to apply. In sequel thereto, the proceedings pending under the Act, 1954 become non est and loses its legal significance.

37. We approve the view expressed by the Division Bench of the High Court in Smt. Indu Khorana (supra) which was later followed in the judgment impugned by the Division Bench of the High Court dated 22nd November, 2012.”



9. The relevant para of *Rajeev Shah (supra)* is extracted hereunder :-

“25. Therefore, considering the law of the land as declared by Supreme Court in the case of Mohinder Singh (supra), the inevitable conclusion is that the proceedings pending before the learned ADM under the DLR Act after urbanisation of the area in question cannot continue. The Supreme Court has held clearly that all proceedings under the DLR Act lose their legal significance after urbanisation of the area in question. The Supreme Court has made no segregation as regards the proceedings under the DLR Act being at initial stages or where final order under the DLR has already come to be passed at the time of urbanisation of the land. Thus, as per the judgment of the Supreme Court, all proceedings emanating from the DLR Act would be liable to be quashed after urbanisation, as the DLR Act ceases to apply. The Supreme Court nowhere differentiates between the original proceedings or the Appellate proceedings that may be pending under the DLR Act before the Revenue Authorities at the time of declaration of an area as urbanised.”

10. In view of the above, it is apparent that the proceedings bearing Appeal No. 292/DCW/2013 under Section 185 of the DLR Act, 1954, continuing before the Deputy Commissioner would be *non est* in law, and as such, the same are quashed and set aside.

11. However, the issue in respect of the subject matter in the appeal may not get entirely extinguished and the rights and contentions of the parties, may be taken up in the appropriate proceedings before the appropriate Civil Court of competent jurisdiction.

12. The petition along with pending applications is disposed in above terms, with no orders as to costs.

TUSHAR RAO GEDELA, J.

MARCH 13, 2024/nd