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

+ **W.P.(C) 14718/2023**

**PRADEEP MEHRA (DECEASED) THROUGH LEGAL
REPRESENTATIVE/DAUGHTER MS. DEVIKA
MEHRA**

.....Petitioner

Through: Ms. Ananya Ghosh, Ms. Mrinalini
Mishra and Ms. Kashish Chhabra, Advocates.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Jawahar Raja, ASC (Civil),
GNCTD with Ms. Puhumi Aditya, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.10.2024

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CM APPL. 59523/2024

1. This is an application filed on behalf of the Petitioner under Section 151 of the Code of Civil Procedure seeking early hearing of the writ petition, which is listed on 27.01.2025 on the ground that the case of the Petitioner is squarely covered by the judgment of the Supreme Court in *Mohinder Singh (Dead) Through LRs and Another v. Narain Singh and Others, 2023 SCC OnLine SC 261* and several other judgments of this Court.
2. Issue notice.
3. Mr. Jawahar Raja, learned ASC accepts notice on behalf of the Respondents.
4. For the reasons stated in the application, the same is allowed.



5. With the consent of the counsels for the parties, the writ petition is taken up for hearing today.

6. Application stands disposed of.

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7. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India laying a challenge to the proceedings in *Appeal No. 34 of 2011* titled as *Gram Sabha Rangpuri v. Pradeep Mehra through LRs* as well as for setting aside of the impugned notice dated 15.05.2023 issued by Deputy Commissioner, Govt. of NCT of Delhi in the said Appeal.

8. Facts to the extent necessary and relevant for adjudication are that Late Mr. Pradeep Mehra was the owner of land comprised in Khasra No. 450 min (0-19), 451 min (2-15), 480 min (2-16), 483 min (1-8) and 484 min (2-12) situated in the Revenue Estate of Village Rangpuri ('subject land'). In the late 1980s the subject land was treated as 'agricultural' in the Master Plan of 2001. Mr. Mehra built a farmhouse on the subject land in 1992 in place of a pre-existing structure, after receiving necessary permission to do so. He also received sanction from the Municipal Corporation of Delhi for building a farmhouse, which was granted and a completion certificate bearing no. 281 was issued on 13.08.1993.

9. It is further averred that on 29.12.1999, a report was submitted by the Halka Patwari through Tehsildar, Vasant Vihar to the Sub-Divisional Magistrate, Vasant Vihar stating that a boundary wall was being constructed by Late Mr. Mehra and DPC was laid down for construction of the Farmhouse in the subject land. Basis this report, Case No. 229/RA/2000 was registered by the SDM and proceedings were initiated under Section 81 of



the Delhi Land Reforms Act, 1954 ('1954 Act'). On 10.01.2000, SDM issued notice in the Complaint for alleged violations, in terms of Section 81 of 1954 Act, for converting the land to non-agricultural use. Mr. Mehra submitted his reply to the complaint and refuted the position, bringing forth that the subject land was continued to be put to agricultural use only and the farmhouse had been constructed in 1992 for which Completion Certificate was issued by the MCD and he was regularly paying house tax for the same. He also pointed out that no additional construction had been undertaken. On 02.01.2001, Mr. Pradeep Mehra expired.

10. On 11.06.2001, the SDM directed Respondent No.2 to bring the legal representatives of Late Mr. Pradeep Mehra on record. By an order dated 01.06.2011, after hearing the parties, the SDM dismissed the complaint and dropped the proceedings under Section 81 of the 1954 Act, which order was assailed by Respondent No.2/Gram Sabha Rangpuri in an appeal bearing No.34/2011 under Section 185 of 1954 Act before Respondent No.1/Deputy Commissioner, New Delhi District, from which the present proceedings arise.

11. Broadly understood, the case of the Petitioner is that the Village Rangpuri in which the subject land is situated has been urbanized by way of Notification dated 20.11.2019 issued under Section 507(a) of Delhi Municipal Act, 1957 ('1957 Act') and therefore provisions of 1954 Act cease to apply in view of the judgment of the Supreme Court in ***Mohinder Singh (supra)***.

12. Short affidavit has been filed on behalf of Respondent No.2 in which it is conceded that consequent to urbanization of Village Rangpuri, proceedings pending before the Appellate Authority have become non-est in



view of the judgment of the Supreme Court in ***Mohinder Singh (supra)*** and cannot continue.

13. Having heard, learned counsel for the parties, there is merit in the contention of the Petitioner that the proceedings pending before Respondent No.1 in ***Appeal No. 34 of 2011*** have become *non est* and cannot continue in view of the Judgment in ***Mohinder Singh (supra)***, wherein the Supreme Court has held 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.”

14. The aforesaid position is not contested by the Respondents and as noted above, they have admitted in the short affidavit that the proceedings are *non est*. In this context, I may also refer to the judgment of Division Bench of this Court in ***Smt Indu Khorana v. Gram Sabha & Ors, 2010 SCC OnLine Del 1334*** and of the Coordinate Bench in ***Rajeev Shah through LR Ms. Gayatri Shah v. Government of NCT of Delhi and Others, 2023 SCC OnLine Del 2023***.

15. In view of the above, the proceedings in ***Appeal No. 34 of 2011*** are hereby quashed and set aside being *non est* and without any legal significance.

16. Petition is allowed and disposed of.

JYOTI SINGH, J

OCTOBER 8, 2024/jg