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

+ **W.P.(C) 10734/2024**

VED PRAKASH MAAN & ORS.

.....Petitioners

Through: Ms. Smita Maan and Mr. Vishal Maan, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anupam Srivastava, ASC with Mr. Vasuh Misra, Mr. Bibhash Chandra Mishra, Mr. Abishek Saket, Mr. Amit Chanchal Jha and Ms. Priya Jha, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

05.08.2024

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CM APPL.44168/2024

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

W.P.(C) 10734/2024 and CM APPL. 44167/2024

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

"i Issue a writ, order or direction in the nature of prohibition thereby restraining the Respondent no. 1 from proceeding further in the proceedings pending before it U/s 81 of the Delhi Land Reforms Act, 1954, bearing Case no. 7600/220/SDM/Meh/2013, titled as 'Gaon Sabha, Mehrauli Vs. Ved Prakash & Ors', in respect of petitioner's land comprised in Khasra no. 57//12/2 (2-10) and 57//18 (4-16) measuring 7 bighas and 6 biswas situated in Village Mehrauli, New Delhi;

ii. issue a writ, order or direction in the nature of certiorari thereby quashing/setting aside the above proceedings for being null, non-est and void ab- initio for patent lack of jurisdiction."



4. Brief facts necessary for adjudication of the present writ petition are that on 23.05.1963, revenue estate of Village Mehrauli was urbanised vide Notification under Section 507(a) of the Delhi Municipal Corporation Act, 1957 ('DMC Act'). In 2013, Respondent No.1 initiated proceedings under Section 81 of the Delhi Land Reforms Act, 1954 ('DLR Act') on the basis of a report of the *Halqa Patwari*, in respect of the land of the Petitioners. According to the Petitioners, the said proceedings in Case No. 7600/220/SDM/Meh/2013/1238-39, titled as '*Gaon Sabha, Mehrauli Vs. Ved Prakash & Ors*', in respect of Petitioners' land comprised in Khasra No. 57//12/2 (2-10) and 57//18 (4-16) measuring 7 bighas and 6 biswas situated in Village Mehrauli, New Delhi, are continuing since 2013 despite the fact that the Revenue officials have ceased to have jurisdiction on account of urbanisation of the concerned village in which the land is located. Reliance is placed by the learned counsel for the Petitioners on the judgment of Supreme Court in *Mohinder Singh (Dead) Through LRs and Another v. Narain Singh and Others, 2023 SCC OnLine SC 261*, wherein the Supreme Court has held that once a Notification has been published in exercise of power under Section 507(a) of the DMC Act, the provisions of DLR Act cease to apply and in sequel thereto, the proceedings pending under DLR Act become *non-est* and lose their legal significance. Reliance is also placed on the orders passed by the Co-ordinate Benches of this Court in respect of the same village, i.e. *Gajender Singh v. Government of NCT of Delhi & Ors., W.P.(C) 7194/2022 dated 27.05.2022*; *Saroj Kumari Gupta & Ors. v. Govt of NCT of Delhi & Ors, W.P.(C) 5842/2022 dated 08.04.2022*; and *Nitin Gupta & Ors. v. Govt of NCT of Delhi & Anr., W.P.(C) 12796/2023 dated 27.09.2023*.



5. Issue notice.

6. Mr. Anupam Srivastava, learned counsel accepts notice on behalf of the Respondents and does not dispute the fact that the present matter is covered by the judgment of the Supreme Court in *Mohinder Singh (supra)* and the decisions of this Court relied upon by the Petitioners.

7. In view of the aforesaid, the writ petition is allowed and the proceedings pending before SDM in Case No. 7600/220/SDM/Meh/2013/1238-39, titled as '*Gaon Sabha, Mehrauli Vs. Ved Prakash & Ors*', in respect of Petitioners' land comprised in Khasra No. 57//12/2 (2-10) and 57//18 (4-16) measuring 7 bighas and 6 biswas situated in Village Mehrauli, New Delhi, are hereby quashed and set aside.

8. Pending application stands disposed of.

JYOTI SINGH, J

AUGUST 5, 2024

B.S. Rohella