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

+ **W.P.(C) 15073/2024**

SHEETAL YADAV

.....Petitioner

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

versus

GOVERNMENT OF NCT OF DELHI & ANR.Respondents

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

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

25.10.2024

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CM APPL. 63170/2024

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

W.P.(C) 15073/2024 and CM APPL. 63169/2024

3. 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 under Section 81 of the Delhi Land Reforms Act, 1954 ('1954 Act') in Case No. 239/RA/MEH/2013, titled as '*Gaon Sabha, Mehrauli vs. Inder Mohan Singh*', in respect of Petitioner's land comprised in Khasra No. 38//13 min (0-07), 14 min (0-13) measuring 1 bigha situated in Village Mehrauli, New Delhi.



4. Facts to the extent necessary and relevant for adjudication of this writ petition are that Petitioner is the absolute owner of land admeasuring 1 bigha comprised in Khasra No. 38//13 min (0-07), 14 min (0-13) situated in Village Mehrauli, New Delhi, ('subject land') having purchased the same from Sh. Inder Mohan Singh and Mrs. Iqbal Kaur vide Sale Deed dated 05.03.2013. It is averred that proceedings under Section 81 of the Delhi Land Reforms Act, 1954 ('1954 Act') in respect of subject land are pending before Revenue Assistant/Sub Divisional Magistrate (Mehrauli), GNCTD/Respondent No.1 bearing Case No. 239/RA/MEH/2013, titled as '*Gaon Sabha, Mehrauli vs. Inder Mohan Singh*'. It is submitted on behalf of the Petitioner that the said proceedings are *non est* in law in view of the fact that Village Mehrauli wherein the subject land is situated has been urbanized vide Notification dated 23.05.1963 under Section 507A of Delhi Municipal Corporation Act, 1957 ('1957 Act') consequent whereto the subject land has ceased to be an agricultural land governed by the provisions of the 1954 Act and Revenue Officials have ceased to have jurisdiction to entertain the pending proceedings.

5. Broadly understood, the case of the Petitioner is that the Village Mehrauli in which the subject land is situated has been urbanized by way of Notification dated 23.05.1963 issued under Section 507(a) of 1957 Act and therefore provisions of 1954 Act cease to apply in view of the judgment of the Supreme Court in *Mohinder Singh (Dead) Through LRs and Another v. Narain Singh and Others*, 2023 SCC OnLine SC 261.

6. Learned counsel for Respondents fairly concedes that consequent to urbanization of Village Mehrauli, proceedings pending before Respondent



No.1 have become *non est* in view of the judgment of the Supreme Court in ***Mohinder Singh (supra)*** and cannot continue.

7. 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 Case no. 239/RA/MEH/2013, titled as ‘*Gaon Sabha, Mehrauli Vs. Sheetal Yadav*’ 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.”

8. The position that the proceedings are *non est* is not contested by the Respondents. 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***.

9. In view of the above, the proceedings in Case no. 239/RA/MEH/2013, titled as ‘*Gaon Sabha, Mehrauli vs. Inder Mohan Singh*’ are hereby quashed and set aside being *non est* and without any legal significance.

10. Petition is allowed and stands disposed of, along with pending application.

JYOTI SINGH, J

OCTOBER 25, 2024

B.S. Rohella/shivam