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

+ **W.P.(C) 15597/2024**

PRADEEP KUMAR & ANR.

.....Petitioners

Through: Mr. Ankit Singh Sinsinwar and
Mr. Ravi Kumar, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Anupam Srivastava, Additional
Standing Counsel with Ms. Sarita Pandey,
Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

08.11.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Articles 226 and 227 of the Constitution of India seeking the following reliefs:-

- "a) A writ of certiorari calling for the records of the case for perusal.*
- b) A Writ of prohibition, prohibiting the Ld. District Magistrate Alipur to proceed with the pending appeal bearing No. 699/DM/N/2019/169-94, in light of the urbanization notification, of village Mamurpur, Narela;*
- c) A Writ of mandamus directing the Respondent No.1 to transfer the pending appeal bearing No. 699/DM/N/2019/169-94, before the District Magistrate (DM) Court, Alipur, to the District Court or the Court of competent Jurisdiction, in a time bound manner;*
- d) A Writ of Mandamus commanding the respondent to pay the cost of this petition to the petitioner."*

2. Petitioners and Respondents No. 2 to 14 are stated to be co-owners of agricultural land bearing Khasra No. 303, situated in the revenue estate of Village Mamurpur, Narela, Delhi. Dispute arose between the parties pertaining to division of the property and respective ownership rights, which was brought before the learned SDM on 06.02.2018, who after hearing dismissed the application of the Petitioners claiming rights by order dated



09.08.2019. Petitioners preferred an appeal on 19.09.2019 under Section 13 of the Punjab Land Revenue Act, 1887, in the Court of District Magistrate, Alipur and during the pendency of the appeal, Village Mamurpur was urbanised vide Notification dated 20.11.2019 issued under Section 507(a) of the Delhi Municipal Corporation Act, 1957 ('1957 Act'). Petitioners made a formal application before the learned District Magistrate on 15.10.2024 bringing forth that the village in which the land in question is situated has been urbanised and therefore the Revenue Courts have ceased to have jurisdiction in the matter. It was prayed that the appeal be dismissed on lack of jurisdiction as the subject matter is now within the domain of Urban Authorities. Petitioners aver that the application is pending consideration and the appeal is unnecessarily continuing in the Court of learned District Magistrate, who has no jurisdiction in the matter.

3. Issue notice.

4. Mr. Anupam Srivastava, learned Additional Standing Counsel accepts notice on behalf of Respondent No. 1 and submits that the Notification urbanising Village Mamurpur was issued after the order was passed by the learned SDM which is challenged before the Appellate Authority and therefore, in light of the judgment of the Division Bench of this Court in ***Subnam Gupta (Sabnam Gupta) v. Union of India and Others, 2024 SCC OnLine Del 2759***, proceedings cannot be rendered as *non est*. Without prejudice to this contention in law, Mr. Srivastava, on instructions, submits that the application filed by the Petitioner seeking dismissal of the appeal deserves to be considered and time may be granted to decide the same.

5. This writ petition is accordingly disposed of, without entering into the merits of the case, with a direction to the learned District Magistrate to



decide the application dated 15.10.2024 filed by the Petitioner seeking dismissal of the appeal on ground of lack of jurisdiction, within a period of six weeks from the date of receipt of this order. It is made clear that it will be open to the learned District Magistrate to decide the application in accordance with law and that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

NOVEMBER 08, 2024/shivam