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

+ **W.P.(C) 16134/2024**

**M/S SOLACE HOUSING AND CONSTRUCTION PVT.  
LTD.**

.....Petitioner

Through: Ms. Archana Yadav, Mr. Vinay Yadav,  
Mr. Sanjay Kumar Yadav, Mr. Ashmeet Singh and  
Mr. Pitamber Yadav, Advocates.

versus

**GOVERNMENT OF NCT OF DELHI AND  
ORS.**

.....Respondents

Through: Mr. Rishikesh Kumar, Additional  
Standing Counsel, GNCTD with Ms. Sheenu  
Priya, Mr. Vikas Saini, Mr. Atik Gill, Mr. Sudhir  
Kumar Shukla and Mr. Sudhir, Advocates.

**CORAM:  
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**  
**21.11.2024**

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**CM APPL. 67795/2024**

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

**W.P.(C) 16134/2024**

3. This writ petition has been preferred on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India for a direction to Respondent No.2/SDM (Mehrauli) to drop the proceedings in case No.261/RA/DC/20075-76 under Section 81 of the Delhi Land Reforms Act, 1954 ('1954 Act'), titled as *Gaon Sabha Gadaipur v. Solace Housing & Construction (P) Ltd.* pending before the learned SDM.
4. It is averred in the writ petition that Department of Urban



Development, Government of the National Capital Territory of Delhi issued a notification dated 20.11.2019 under Section 507 (a) of Delhi Municipal Corporation Act, 1957 declaring 79 villages as urban areas which included Village Gadaipur, in which the land of the Petitioner is situated. The Ministry of Housing and Urban Affairs, issued another notification on 25.09.2020 under Section 22(1) of the Delhi Development Act, 1957, whereby 79 villages including Village Gadaipur were vested in the Central Government. Since the village was declared an urban area, Petitioner filed an application before Respondent No.2 on 25.10.2021 to drop the pending proceedings under Section 81 of 1954 Act. However, no hearing has taken place between November 2021 to November 2024, according to the Petitioner and the next date is 29.11.2024.

5. Learned counsel appearing on behalf of the Petitioner submits that despite passage of three years, the application has not been heard and decided and this is despite the fact that the Petitioner had earlier approached this Court in W.P.(C) 5511/2024 in case titled “*M/s Solace Housing & Construction Pvt. Ltd. Though Its Authorised Representative Vs. Government of NCT of Delhi Through Department of Revenue & Ors.*”, seeking appropriate directions to Respondent No.2 to drop the proceedings, which was allowed vide order dated 24.05.2024 with a direction to the SDM, Mehrauli to consider and dispose of the application within six weeks from 03.06.2024 after hearing the Petitioners. It is urged that Petitioner does not expect that the application will be considered and decided even on 29.11.2024 and has thus approached this Court to declare the proceedings under Section 81 of 1954 Act as *non est*.

6. Issue notice.



7. Mr. Rishikesh Kumar, learned Additional Standing Counsel accepts notice on behalf of the Respondent/GNCTD.

8. At the outset, I may note that this writ petition brings to light a sorry state of affairs where despite an order of this Court passed on 24.05.2024 directing the learned SDM to decide the application filed by the Petitioner within six weeks from 03.06.2024, the application is still pending. By the application in question, Petitioner has called upon the learned SDM to drop the proceedings initiated under Section 81 of 1954 Act on the ground that Village Gadaipur has been declared as an urban area, placing reliance on the judgment of the Supreme Court in *Mohinder Singh (Dead) Through LRs and Another v. Narain Singh and Others*, 2023 SCC OnLine SC 261. Whether or not the application deserves to be allowed, is a matter of merits, but it cannot be appreciated that the application is not being considered and decided.

9. Accordingly at this stage, without entering into merits of the application, this writ petition is disposed of with a direction to Respondent No.2 to take up the application on 29.11.2024, the date already fixed before the learned SDM and consider the same on merits. The application will be disposed of as expeditiously as possible and not later than four weeks from 29.11.2024. The order so passed will be communicated to the Petitioner and it will be open to the Petitioner to take recourse to legal remedies to challenge the same in case of any surviving grievance.

**JYOTI SINGH, J**

**NOVEMBER 21, 2024/jg**