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

+ **W.P.(C) 17269/2024**

**PALM COURT HOSPITALITY INDIA PVT. LTD.
& ANR.**

.....Petitioners

Through: Mr. Anupam Srivastava, Senior
Advocate with Mr. Dhairya Gupta and Mr. Vasuh
Misra, Advocates.

versus

**GOVERNMENT OF NCT OF DELHI
THROUGH ADDITIONAL DISTRICT MAGISTRATE,
NEW DELHI DISTRICT & ORS.**

.....Respondents

Through: Ms. Avni Singh, Advocate for
Respondents No.1 to 3/GNCTD.
Ms. Meenakshi Midha, Advocate for Respondent
No.4/MCD.
Mr. Sanjay Katyal, Standing Counsel for
Respondent No.5/DDA.

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

**ORDER
13.12.2024**

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CM APPL. 73475/2024

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

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3. This writ petition has been filed on behalf of the Petitioners under Article 226 of the Constitution of India seeking a direction to quash the proceedings in Appeal No.103/2002 titled '*G. S. Ghitorni v. M/s. Aarohi*



Properties Pvt. Ltd.’ pending before the Court of Ld. Additional District Magistrate, New Delhi District, New Delhi/Respondent No.1 with an alternative prayer to direct the Respondent No.1 to dispose of the appeal in a time bound manner.

4. Pegging their case on permission granted on 17.05.1996 to build farmhouse by the Municipal Corporation of Delhi over subject property bearing Khasra Nos. 278 min (3-16), 455 (4-16) and 467 min (3-12) situated in Village Ghitorni, Tehsil Mehrauli, New Delhi, the Petitioners have approached this Court. In 1997, Section 81 proceedings were initiated under the Delhi Land Reforms Act, 1954 (‘1954 Act’) by Respondent No.2 against the erstwhile owner of the subject property i.e. M/s Aarohi Properties Pvt. Ltd. On 15.12.1997, an *ex parte* vesting order was issued by Respondent No.2 which was set aside on 16.09.1998. In November 1998, objections were filed to Section 81 petition by the erstwhile owner. As averred in the petition, on 31.01.2000, the proceedings were dropped by Respondent No.2 against the erstwhile owner, who thereafter sold the subject property on 31.05.2001 to the present Petitioners *vide* two separate Sale Deeds bearing Nos. 1832 and 1831. Appeal No.103/2002 was filed by Respondent No.3 on 26.11.2002 against the erstwhile owner of the property oblivious of the fact that the property had been sold to the present Petitioners in the interregnum. On 18.06.2013, LDRA notification was issued under Section 11A of the Delhi Development Act, 1957 for Village Ghitorni wherein the subject land is situated. Subsequently, on 20.11.2019, a notification was issued under 507(a) of the Delhi Municipal Corporation Act, 1957 urbanising Village Ghitorni. On 25.09.2020, the land is stated to have vested in DDA. However, the appeal filed by Respondent No.1 is still pending consideration.



5. Mr. Anupam Srivastava, learned Senior Counsel appearing on behalf of the Petitioners seeks a limited relief at this stage for expeditious disposal of Appeal No.103/2002.
6. Issue notice.
7. Learned counsels, as aforesaid, accept notice on behalf of respective Respondents.
8. Ms. Avni Singh, learned counsel, on instructions, submits that in view of urbanisation of Village Ghitorni, the Revenue officials have ceased to have jurisdiction as the 1954 Act is no longer applicable.
9. Be that as it may, this writ petition is disposed of without entering into the merits of the case with a direction to Respondent No.1 i.e. Additional District Magistrate, New Delhi District to take up the Appeal No.103/2002 for consideration, as expeditiously as possible and not later than six weeks from today. In view of the notification under 507(a), the concerned Authority will first look into the aspect of jurisdiction to continue with the appellate proceedings and depending on the outcome, proceed accordingly.
10. Writ petition is disposed of in the aforesaid terms.

JYOTI SINGH, J

DECEMBER 13, 2024
B.S. Rohella