



\$~26

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

+ **W.P.(C) 1360/2019**

RAJINDER SINGH AND ORS.Petitioners

Through: **Mr. Pradeep Kr. Saini, Advocate.**

versus

**THE SUB-DIVISIONAL MAGISTRATE/REVENUE
ASSISTANT (NORTH) AND ORS.**Respondents

Through: **Mr. Anubhav Gupta, Panel
Counsel GNCTD.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.10.2025**

1. The petitioners have filed this writ petition for the following reliefs:

“a) Issue writ of in the nature of mandamus/directions thereby directing the Respondent No. 1 to revive the aforesaid case bearing no 143 S.O (C)/90 titled as "Sukhan versus Gram Sabha & Ors"" remanded to its in terms of order dated 21/09/2012 by the Ld. A.D.M and dispose of the said case in terms of the said order in time bound manner; and

b) To issue the writ in the nature of certiorari thereby quashing the order dated 07/05/2015 reflected in the Khasra Khatoni of the Land being illegal, arbitrary and without jurisdiction; and

c) To issue the writ in the nature of mandamus/directions directing the Respondent No. 2 to record the Khasra girdawari of Land as he is in the cultivatory possession of the Land; and

d) To issue the writ in the nature of mandamus/directions directing the Respondents to provide the Petitioners with the copy of the order dated 07/05/2015 reflected in the Khasra Khatoni of Land.

e) Any other or further orders which this Hon'ble Court deem fit and proper in the facts and circumstances of the present petition, in favour of the Petitioners and against the Respondents, in the interest of justice.”



2. The case of the petitioners is that their father had requested the respondent – *Gram Sabha* to admit his claim of *bhumidari* of the land bearing *Khasra No. 702 admeasuring 4 bigha and 4 biswas situated in the Revenue Estate of Village Hiranki, Delhi* [“subject land”], as he had been in cultivatory possession of the subject land for more than three years. The petitioners’ father thereafter filed an application under Section 85 of the Delhi Land Reforms Act, 1954, before the Revenue Assistant in the year 1983. By an order dated 03.09.1996, the Revenue Assistant allowed the said petition, and declared the father of the petitioners as the *bhumidar* of the subject land.

3. On appeal by the *Gram Sabha*, however, the Additional Collector came to the conclusion that the proceedings before the Revenue Assistant had been taken *dehors* the statutory procedure. He therefore allowed the appeal by order dated 21.09.2012, and remanded the case to the Revenue Assistant for a fresh decision, in accordance with law. The case has been pending before the Revenue Assistant since then.

4. In prayer (a) of the writ petition, the petitioners seek revival of the proceedings before the Revenue Assistant and disposal thereof. However, it is recorded in the order of this Court dated 20.03.2024, that the village in question has since been urbanised by a notification dated 20.11.2019 under Section 507(a) of the Delhi Municipal Corporation Act, 1957. According to the respondents, the case would, therefore, have to be considered in light of the judgment of the Supreme Court in *Mohinder Singh (Dead) through LRs & Anr. v. Narain Singh & Ors.* [(2023) 19 SCC 535].

5. As far as this aspect is concerned, I am of the view that it is



appropriate for the Revenue Assistant to take up the matter in terms of the directions of the Additional Collector, and consider whether he retains the jurisdiction to continue with the proceedings or not. The Revenue Assistant is directed to take a decision on the question of jurisdiction, after hearing the petitioners' case, within a period of three months from today. The appellate remedy of the petitioners, in the event of an adverse decision, remains reserved.

6. Prayers (b) and (d) of the writ petition are in respect of an order dated 07.05.2015, which finds mention in the *Khasra Khatoni* of the subject land. The *Khasra Khatoni* contains an endorsement that the said order has been followed, to amend the *bhumidari* from the petitioners' father to the *Gram Sabha*.

7. Mr. Pradeep Kr. Saini, learned counsel for the petitioners, states that the petitioners have not assailed the said order by availing of any statutory remedy; in fact, he states that the order has not been served upon the petitioners' at all. The respondents are therefore directed to serve a copy of order dated 07.05.2015 upon the petitioners, through their counsel, within a period of two weeks from today. The petitioners are at liberty to take remedies available to them in law, against the aforesaid order within a period of eight weeks thereafter.

8. No further orders are sought in the wit petition.

9. The petition is, therefore, disposed of in the aforesaid directions.

PRATEEK JALAN, J

OCTOBER 17, 2025/SS/AD/