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

+ **W.P.(C) 2476/1997 & CM APPL. 21461/2023**

DEVI RAM & ORS .

.....Petitioners

versus

UOI & ORS.

.....Respondents

+ **CONT.CAS(C) 701/2023**

DEVI RAM (DECEASED) THROUGH
HIS L.R.S AND OTHERS

.....Petitioners

versus

SH. RAJEEV VERMA, IAS & ORS.

.....Respondents

Appearance:-

Mr. Yashraj Singh Deora, Senior Advocate with Mr. Priyesh Mohan Srivastava & Mr. Ratnesh Bansal, Advocates for Petitioner in Item Nos. 4 & 5.

Mr. Anubhav Gupta, Panel Counsel (Civil), GNCTD in Item No. 4.

Ms. Arunima Dwivedi, CGSC with Ms. Smati Jhunhunwala, Ms. Pinky Pawar & Ms. Himanshi Singh, Advocates for UOI in Item No. 4.

Mr. Abhinav Singh, Advocate for Forest Department, GNCTD in Item No. 5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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30.07.2025

1. The challenge of the petitioners in the captioned writ petition is to a notification of the Revenue Department, Government of National Capital Territory of Delhi ["GNCTD"] dated 02.04.1996, by which certain lands have been declared as uncultivated surplus land of the Gaon Sabha and have been placed at the disposal of the Forest Department, GNCTD.



2. The petitioners claim ownership and possession of land admeasuring 42 Bighas and 3 Biswas, in Rectangle No. 102 forming part of Kila Nos. 25/1 (2-1), 25/2 min (1-9); Rectangle No. 108 Kila Nos. 1 min (2-0), 9 min (3-14), 10 (3-14), 11 (4-16), 12 (4-16); and Rectangle No. 109 Kila Nos. 4 (4-16), 5 (4-16), 6 (4-16), 7 (4-16), situated within the revenue estate of Village Dera Mandi, New Delhi [“subject land”].

3. The petitioners claim to have been in possession of the subject land since prior to 1980. Consolidation proceedings were subsequently conducted, in which the subject land was allotted to the petitioners by an order dated 13.11.1980. On 30.09.1983, the petitioners filed an application under Section 85 of the Delhi Land Reforms Act, 1954 [“DLR Act”] seeking a declaration that they were the *Bhumidars* of the subject land in place of the Gaon Sabha, the Gaon Sabha having failed to initiate proceedings under Section 84 of the DLR Act within the period prescribed in Section 85.

4. An order dated 11.12.1996 was passed by the Revenue Assistant allowing the petitioners’ claim and declaring them to be the *Bhumidars* of the subject land. By the same order, the Revenue Assistant also dropped proceedings under Section 86-A of the DLR Act.

5. The Gaon Sabha filed an appeal against the aforesaid order, which is pending before the Additional District Magistrate. It is undisputed that, during the pendency of the appeal, the appellate authority passed an order of *status quo*, although the exact date of such an order is not mentioned in the pleadings.

6. While the proceedings under Sections 84 and 85 of DLR Act were pending, the Revenue Authorities issued the impugned notification dated



02.04.1996, in which the subject land was also included.

7. I have heard Mr. Yashraj Singh Deora, learned Senior Counsel for the petitioner, Mr. Anubhav Gupta, and Mr. Abhinav Singh, learned counsel for GNCTD.

8. Mr. Deora submits that the impugned notification dated 02.04.1996 was issued during the pendency of the petitioners' application under Section 85 of the DLR Act, which has since culminated in a declaration that they are the *Bhumidars*. He submits that the said notification covers only uncultivated surplus land of the Gaon Sabha. According to Mr. Deora, the petitioners' claims under Section 85 of the DLR Act having succeeded, the subject land is not land of the Gaon Sabha at all, and the impugned notification dated 02.04.1996 can have no application. Mr. Deora clarifies that there is no other ground of challenge to the notification.

9. While the writ petition has been pending before this Court, the petitioners have been protected from dispossession by an interim order dated 22.12.1997.

10. In view of the aforesaid factual background, it is evident that the petitioners' rights, and the consequent applicability of the impugned notification to the subject land, remains to be determined in the appeal pending before the Additional District Magistrate. If the appeal is decided in favour of the petitioners, the impugned notification dated 02.04.1996 will not apply to the subject land. Conversely, if the decision of the Revenue Assistant is overturned, the land will be treated as Gaon Sabha land, and the petitioners' rights will cease to exist.

11. As no other issue requires adjudication in this writ petition, I am of



the view that the appropriate course is for the parties to be governed by the outcome of the proceedings emanating from the Revenue Assistant's order dated 11.12.1996, and for them to maintain *status quo* with regard to the subject land, until the disposal of those proceedings.

12. There is one further issue raised by the petitioners in CM APPL. 21461/2023 in W.P.(C) 2476/1997, which is also the subject matter of CONT.CAS(C) 701/2023. The petitioners allege that the Forest Authorities have entered a part of the subject land, namely Kila No. 25/1 (2-1), 25/2 min (1-9) of village Dera Mandi in Rectangle No. 102, and have parked a vehicle in front of the petitioners' gate to impede access. In reply, the Deputy Conservator of Forest, GNCTD, has stated as follows:

"5. That at present there is no lock put by the office of the present deponent on any gate present at rectangle no. 102, killa No.25/1 (2-1), 25/2 (1-9) of village Dera Mandi and no departmental vehicle has been parked in front of these gates. Copy of the ground report of the beat-incharge village Dera Mandi affirming the same and photographs is annexed as Annexure- A1 (Colly)."

13. This issue also requires no further adjudication, in view of GNCTD's reply. In view of the above, the writ petition is disposed of with the following directions:

- a. The applicability of the impugned notification dated 02.04.1996 to the subject land shall be governed by the outcome of Appeal No. 100/97 filed by the Gaon Sabha against the order of the Revenue Assistant dated 11.12.1996, or any proceedings arising therefrom.
- b. Until the final decision in the said proceedings, parties will continue to maintain *status quo* as directed by this Court on 22.12.1997 with regard to the possession of the land.
- c. The petitioners will also maintain *status quo*, as on today, with



- regard to title, possession, and any construction on the subject land.
- d. In the event that the said appeal is ultimately decided in favour of the Gaon Sabha, the order of *status quo* will continue to operate for a further period of four weeks thereafter, so as to enable the petitioner herein to seek appropriate remedies in accordance with law.
- e. It is made clear that, during the pendency of the appellate proceedings and any consequential proceedings, the impugned notification dated 02.04.1996 will not be implemented *qua* the subject land.
- f. In view of the statement recorded in GNCTD's affidavit dated 28.11.2023, this order shall cover all parts of the subject property, including Kila Nos. 25/1 (2-1) and 25/2 min (1-9) in Rectangle No. 102.
14. Having regard to the aforesaid order, Mr. Deora does not press CONT.CAS.(C) 701/2023.
15. The writ petition and CONT.CAS(C) 701/2023 are disposed of in the above terms.

PRATEEK JALAN, J

JULY 30, 2025

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