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

\+ LPA 459/2024, CM APPL. 33715/2024 (For suspension of operation of order dt. 14.03.2024), CM APPL. 33716/2024 (Stay) & CM APPL. 33718/2024 (Delay 28 days in re-filing)

PRAVEEN JAIN .....Appellant

Through: Mr. Ankit Jain, Sr. Adv. with Mr. Sunil Chauhan, Ms. Vatsala Chauhan and Mr. Aditya Chauhan, Advs.

versus

FINANCIAL COMMISSIONER AND OTHERS .....Respondents

Through: Mr. S. Singhal for Mr. Sameer Vashisht, SC for R-1.
Ms. Harshita Nathrani, Adv. for R-1.
Mr. Rajesh Yadav with Mr. V.P. Rana and Mr. Gagan Gupta, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

O R D E R

% 10.03.2025

1. The instant letters patent appeal seeks to impugn the judgment handed down by the learned Single Judge on 14 March 2024 and in terms of which a writ petition which had been instituted by the appellant came to be dismissed.

2. We note from the reliefs which were framed in the writ petition and which are also extracted in the judgment impugned before us, the petitioner had essentially sought restitution of possession of land comprised in the following plots: -

> "Khasra No.193/1 min (0-8), 193/2/2min (0-9), 193/2/2 (0-8), 193/2/2 (3-0), 193/1 (3-11), 193/2/2 (2-18), 193/1 (3-0), and Khasra No. 193/2/4 (6-15) in all measuring 20 Bighas 09 Biswas along with contiguous adjacent land comprised in Khasra No.193/2/3 (6-12) situated within the Revenue Estate of village Bijwasan, Delhi"

3. The learned Single Judge had found that the Revenue Assistant had drawn proceedings referable to Section 84 of the Delhi Land Reforms Act, 1954 ["**Act**"] against the appellant and which had ultimately culminated in the passing of an order on 04 February 2021, directing the dispossession of the appellant from the subject land. That order also commanded the competent authorities to restore the possession of the fourth respondent.

4. Aggrieved by the aforesaid order of the Revenue Assistant, the appellant is stated to have approached the Deputy Commissioner and instituted an appeal under Section 185 of the DLR Act. That appeal came to be allowed with the Deputy Commissioner setting aside the order of the Revenue Assistant and remanding the matter back for *de novo* consideration.

5. The order of the Deputy Commissioner of 21 August 2023, thereafter, came to be assailed by both the appellants as well as by respondents before us by instituting revision petitions before the Financial Commissioner. Insofar as the appellant is concerned, it appears to have been aggrieved by a failure on the part of the Deputy Commissioner to frame appropriate and explicit directions for restitution of possession.

6. Reverting then to the proceedings which came to be instituted

before the Financial Commissioner, we find that the said authority by its order of 15 February 2024, disposed of the revision petitions taking note of the Notification dated 18 June 2013 which had come to promulgated in the interregnum by the Ministry of Urban Development (Delhi Division) declaring village Bijwasan, as a low-density residential area. Consequent to the urbanization of the parcel of land in question, the Financial Commissioner disposed of the revision petitions leaving it open to the parties to approach the competent Civil Court for appropriate declaratory and consequential relief.

7. It is in the aforesaid backdrop that the writ petition ultimately came to be laid before the learned Single Judge. However, the learned Single Judge has found that the writ petitioner had failed to challenge or impugn the order passed by the Financial Commissioner. In view of the above, the learned Single Judge has, and in our considered opinion correctly, noted that the relief of restitution could not have been possibly granted as long as the order passed by the Financial Commissioner continued to hold the field. We find that the view so expressed by the learned Single Judge is clearly unexceptionable and merits no interference by us on this appeal.

8. Consequently, and when we expressed our disclination to interfere with the judgment rendered by the learned Single Judge, a prayer was made on behalf of the appellant to be accorded the liberty to move the learned Single Judge afresh for recall of the order of 14 March 2024, for consequential restoration of the writ petition and for liberty being accorded to the appellant to formally impugn the order of 15 February 2024, passed by the Financial Commissioner.

9. We, in light of the prayer so made, dispose of the appeal

without rendering or expressing any opinion on the maintainability or legality of such an application being moved at this stage.

10. However, we only observe that in case the appellant proceeds further in the manner indicated above, all rights and contentions of respective parties would be open to be examined by the learned Single Judge.

11. Subject to the aforesaid observations, the appeal shall stand dismissed.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.

MARCH 10, 2025/ nd