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

+ W.P.(C) 15266/2023

SH. MUKESH KUMAR AGGARWAL & ANR.Petitioners

versus

THE REVENUE ASSISTANT KANJHAWALA
& ANR.Respondents

+ W.P.(C) 15307/2023

M/S BALAJI FITNESS HEALTH CLUB PVT LTDPetitioner

versus

THE REVENUE ASSISTANT KANJHAWALA
& ANR.Respondents

+ W.P.(C) 15836/2023

SARITA AGGARWALPetitioner

versus

THE REVENUE ASSISTANT (KANJHAWALA)
& ANR.Respondents

Appearance:

Mr. Tanmaya Mehta and Mr. Anurag Singh, Advocates for petitioners.

Ms. Avni Singh and Mr. Gourav Mundra, Advocates for GNCTD in Item No. 25.

Mr. Raghvendra Upadhyay and Ms. Purnima Jain, Advocates for GNCTD in Item No. 24.

Ms. Kritika Gupta, Advocate for DDA.



CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **04.07.2025**

1. The petitioners in these three petitions, under Article 226 of the Constitution, assail a common order dated 24.03.2021 passed by the Revenue Assistant/Sub-Divisional Magistrate [“SDM”], Kanjhawala, under Section 81 of the Delhi Land Reforms Act, 1954 [“the DLR Act”].
2. The impugned order has been passed in respect of land in various khasras in the revenue estate of *Village Ghevra, Tehsil Kanjhawala, Delhi*. By the said order, the lands claimed by the petitioners have been vested in the Gram Sabha.
3. The sole contention of Mr. Tanmaya Mehta, learned counsel for the petitioners, is that the impugned order is *ultra vires* the powers of the SDM, as the village in question had been urbanised, by a notification dated 16.05.2017 issued under Section 507(a) of the Delhi Municipal Corporation Act, 1957 [“the DMC Act”].
4. Mr. Mehta relies upon the judgment of the Supreme Court in *Mohinder Singh (Dead) Through LRs and Another v. Narain Singh and Others* [2023 SCC Online SC 261, decided on 14.03.2023]. Paragraph 36 of the said judgment reads as follows:

*“36. After harmonising the provisions of the 1954 Act and the 1957 Act, we are of the considered view that **once a notification has been published in exercise of power under Section 507(a) of the 1957 Act, the provisions of the 1954 Act cease to apply.** In sequel thereto, the proceedings pending under the 1954 Act become non est and loses its legal significance.”*

[Emphasis supplied.]



5. While issuing notice in W.P.(C) 15266/2023 on 28.11.2023, the impugned order of the SDM and proceedings arising therefrom were stayed. The respondents were also granted time to file counter affidavits. Similar orders were passed in W.P.(C) 15307/2023 & W.P.(C) 15836/2023 on 29.11.2023 and 08.12.2023, respectively. No counter affidavit has been filed by the Government of National Capital Territory of Delhi [“GNCTD”] in any of the petitions.

6. The only contention of learned counsel for GNCTD is that the judgment in *Mohinder Singh (Supra)* was rendered by the Supreme Court on 14.03.2023, after the impugned order of the SDM.

7. The contention of GNCTD, with regard to applicability of the judgment in *Mohinder Singh (Supra)*, in my view, is untenable. The judgment of the Court declares the law as it exists, and absent any express declaration that the judgment is to be treated as prospective, applies to the interpretation of the statute from its very inception. Reference may be made to a recent judgment of the Supreme Court in *Kanishk Singh and Anr. v. State of West Bengal and Anr.* [2025 SCC Online SC 433]. The present case is, therefore, covered by the judgment in *Mohinder Singh (Supra)*.

8. In view of the unequivocal declaration by the Supreme Court in *Mohinder Singh (Supra)*, the impugned order dated 24.03.2021, passed under Section 81 of the DLR Act, was *ultra vires* the powers of the SDM. The impugned order is, therefore, set aside.

9. The stand of the Delhi Development Authority [“DDA”], as recorded in the aforesaid order dated 29.11.2023 [in W.P.(C) 15307/2023], is that although the petitioners are right in submitting that



the proceedings were *non-est*, their use of the land must abide by the provisions of the Master Plan for Delhi-2021. Mr. Mehta makes it clear that the present petition is not intended to prejudice DDA in taking steps, in accordance with law, in the event of any misuse of the land in question.

10. In view of the above, the writ petitions are allowed in the aforesaid terms.

PRATEEK JALAN, J

JULY 4, 2025

SS/JM/