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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16931/2025 & CM APPL. 69596/2025**

NEM CHAND JAIN

.....Petitioner

Through: Ms. Tanmaya Mehta & Mr. Anurag
Singh, Advs.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Astha Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

07.11.2025

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1. This petition is filed challenging the appeal proceedings in Appeal No. 260/DCW/2013 titled ***Gaon Sabha Mundka v. Nem Chander Jain*** pending before the District Magistrate (West) with regard to land under Khasra No.40//20(1-01) admeasuring 1 Bigha 1 Biswa situated in revenue estate of Village Mundka, Delhi.

2. Learned counsel for the parties are at ad idem that the issue involved is similar to the one dealt with by this Court in W.P.(C) 10109/2024 titled ***Rajiv Bal v. Govt. of NCT of Delhi & Anr*** and connected matters.

3. In W.P.(C) 10109/2024 and connected matters, following order was passed:

“1. These petitions are being disposed of by this order as the issue involved is common. For convenience, the facts are being taken from W.P.(C) 10109/2024.

2. The writ petition is filed seeking restraint order to



respondent no.1/Govt. of NCT of Delhi to not proceed in proceedings pending under Section 81 of Delhi Land Reforms Act, 1954 (for short 'DLR Act') in case No.93/DC/SOUTH/2013 in respect of the land described in the writ petition.

3. The brief facts are that the petitioner is the owner of the land described in the writ petition situated in village Chhatarpur. The land was Urbanised in the year 2018 by way of issuance of notification dated 20.11.2019 under Section 507A of the Delhi Municipal Corporation Act, 1957. The proceedings initiated under Section 81 of DLR Act against the petitioner were dropped vide order dated 31.07.2013. The appeal filed by Gram Sabha through Block Development Officer (BDO) in year 2013 is pending before the Appellate Authority.

4. The issue involved in the present case is whether the pending proceedings including appeal on the date of urbanisation of land shall continue.

5. The following issues have been referred to a Larger Bench of this Court vide order dated 13.05.2024:-

- a. Whether the law as expounded in **Sanvik Engineers** by the learned Single Judge and the proposition of law in **LPA 295/2024** titled **Subnam Gupta (Sabnam Gupta) vs. Union of India & Ors** laid down by the learned Division Bench is the correct proposition of law?
- b. Whether there is a divergence between the ratio of the judgements in **Blue Bird Properties Pvt Ltd (Now Blue Bird Properties LLP) vs. Government of NCT of Delhi & Ors.** and judgement dated **25.04.2023** in **LPA 188/2022** and **Subnam Gupta Sabnam Gupta** dated **15.04.2024** in **LPA 295/2024** ? if so, which judgement lays down the correct law?
- c. Whether the judgement of the Supreme Court in **Mohinder Singh** laying down the law that post notification u/s 507(a) of DMC Act 1957, the provisions of DLR Act, 1954 cease to apply and the proceedings pending thereunder would be non est in law would



relegate the parties to the lis, to the alternate remedy of civil law redressal before the competent court of civil jurisdiction ? if so, at what stage and to what effect?

- d. A Judicial clarity be rendered as to what would be the remedy available to various stakeholders who are as on the date of notification under section 507(a) DMC Act, 1957, at different stages of proceedings contemplated under the DLR Act, 1954?
 - e. Though not arising from the above, however, many such cases are being regularly filed under the provisions of EPH Act, 1948 in similar circumstances, whether the judgement of the Supreme Court in **Mohinder Singh** laying down the law that post notification u/s 507(a) of DMC Act 1957, the provisions of DLR Act, 1954 cease to apply and the proceedings pending thereunder would be non est in law would also apply in a similar fashion to proceedings pending under EPH Act, 1948 since definition of the word "land" appears to have commonality between the two enactments? if so, to what effect?(regard may be had to the judgement dated **01.11.1997** passed the learned division bench of this Court in **C.W. No. 2253 of 1997** captioned as **Umed Singh vs. Government of N.C.T. of Delhi & Ors.** reported in (1997) 69 DLT 957 (DB).”
6. The issues pending before the Larger Bench shall have the bearing on the case in hand especially the issue at serial no.c.
7. In the similar circumstances, Coordinate Bench of this court vide order dated 24.09.2025 disposed of W.P.(C)14313/2025 titled **M/s Sonia and Co. Pvt. Ltd. v. Government of NCT of Delhi & Ors.** by passing the following order:-
- “1. The petitioner claims ownership over land comprised in Khasra No. 66/1 (4-16) admeasuring 4 Bighas and 16 Biswas situated in Revenue Estate of Village Jonapur, New Delhi [“subject land”]. The grievance raised in this writ petition pertains to proceedings initiated in respect



of the subject land under Section 185 of the Delhi Land Reforms Act, 1954 [“DLR Act”]. It is undisputed that the said village was urbanised pursuant to a notification dated 20.11.2019 issued under Section 507(a) of the Delhi Municipal Corporation Act, 1957.

2. The petitioner contends that, by virtue of the judgment of the Supreme Court in *Mohinder Singh (deceased) through LRs & Anr. v. Narain Singh & Ors.* [(2023) 19 SCC 535], proceedings under the DLR Act stand rendered non-est upon the urbanisation of the village in question.
3. In the present case, the proceedings were admittedly initiated prior to the issuance of the aforesaid notification of urbanisation. The Revenue Authority passed an order in favour of the petitioner on 27.02.1987, which was challenged in appeal before the respondent No. 1 in 1997. The appellate proceedings remained pending at the time the urbanisation notification was issued. The question that arises is whether such proceedings can continue despite the village in question being urbanised, including at the appellate stage. This issue is currently pending consideration before the Full Bench in Original Reference No. 01/2024. The Full Bench is also examining two Division Bench judgments of this Court, in *Ajay Singhal v. Govt. of NCT of Delhi & Ors.* [LPA 169/2022 and connected matters; decided on 25.04.2023] and *Subnam Gupta (Sabnam Gupta) v. Union of India & Ors.* [LPA 295/2024; decided on 15.04.2024], which appear to be at variance with each other on this question.
4. In view of the aforesaid facts and circumstances, the respondents are directed not to proceed with the pending proceedings until the jurisdictional position is clarified by the judgment of the Full Bench. Upon pronouncement of the said judgment, respondent No. 1 will first decide whether the proceedings are liable to



continue, and pass an order to that effect. In the event, respondent No. 1 concludes that the proceedings may continue, the same will remain deferred for a period of two weeks from the date of such decision, so as to enable the petitioner to avail appropriate legal remedies, if so advised.

5. The writ petition, alongwith pending application, is disposed of with these directions.”

8. Learned counsel for the petitioner submits that after the decision of the Larger Bench, it may require consideration as to whether the said decision would be applicable to the present case or not.

9. In view of the pendency of the issues before the Larger Bench, these petitions are disposed of in terms of the decision of this Court in **Sonia and Co. Pvt. Ltd.** (supra).

10. It is further clarified that the petitioner shall be at liberty to raise all the issues at the appropriate stage, including the issue of applicability of the decision of the Larger Bench to the present case.

11. These petitions are accordingly disposed of.”

4. This petition is disposed of in the same terms. Pending application stands disposed of.

AVNEESH JHINGAN, J

NOVEMBER 7, 2025/ ha