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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 918/2021 & CM APPL. 55152/2022, CM APPL.
23643/2024

NARENDER RANA & ORS.

.....Petitioners

Through: Mr. Sunil Chauhan, Adv. (through
VC).

versus

SANJEEV KHIRWAR, DIVISIONAL COMMISSIONER & ANR.

.....Respondents

Through: Mr. Sameer Vashishst, SC Civil,
GNCTD with Ms. Harshita Nathrani &
Mr. Aryaman Vachher, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.05.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act, seeks the following prayers:-

“It is therefore most respectfully prayed that this Hon’ble Court may be pleased to issue a notice of contempt to the contemnors for non-compliance of Order dt. 11.12.2020 passed by this Hon’ble Court and thereafter appropriate proceedings may also be initiated in accordance with law against the Contemnors.

Any further order or relief that this Ho’nble Court may deem fit in the facts and circumstances of the case may also be passed in four of the Petitioners and against the Contemnors.”

3. *Vide* order dated 11.12.2020, the learned Single Judge of this Court in



W.P.(C) 10305/2020 passed the following directions:-

1. Issue notice. The learned ASC named above accepts notice on behalf of the respondents.
2. It is the petitioners' case that despite a lapse of two decades, the consolidation proceedings have not concluded.
3. Keeping in mind that the SDM/RA concerned and other authorities would be busy with pressing issues regarding management of the COVID-19 pandemic, an endeavour shall be made to conclude the proceedings, preferably in 6 months from today.
4. The writ petition is disposed-off in terms of the above.
5. The order be uploaded on the website forthwith."

4. During the course of present proceedings, a status report dated 21.03.2024 has been placed on record on behalf of Consolidation Officer, Village Khera Kalan, Alipur, Delhi. The said status report records as under:-

"5. That my predecessor, has submitted through the affidavit on 13.02.2024 before the Hon'ble Delhi High Court that the then Consolidation Officer, Village Khera Kalan had already concluded the Consolidation of village Khera Kalan, an affidavit in this regard had also been submitted before this Hon'ble Court. Further, the then Consolidation Officer vide order No.F.5 C.O/AP/North/202/ 51851-60 dated 29.09.22 informed/declared that the work of consolidation proceeding of village Khera Kalan under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1948, has been completed on 19.09.2022 and Records of Rights under section 22 of East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1948 have also been prepared in September 2022 i.e. before joining of the Deponent as Tehsildar/Consolidation Officer on 23.02.2024 and nothing on the part of the consolidation officer is pending. Further, the new post consolidation record would be available for villagers after the formal approval of the Settlement Officer (Consolidation). The order dated 29.02.2022 is enclosed as **Annexure-I**.



6. That, it was also submitted on 14.02.2024 that, however, post the conclusion of proceedings under Sec 21(1) & Sec 21(2), EPH Act in September 2022, an inquiry report of ADM (New Delhi) was forwarded to this office in 2023 which highlighted certain irregularities in the consolidation proceedings of Village Khera Kalan. That in light of the inquiry report of ADM(New Delhi), the Kalan. That in light of the inquiry report of ADM(New Delhi), the entire records (approximately 1200 khatahs) related to consolidation proceedings of the said village were scrutinized by the Consolidation team and the primary observations were as follows:

- i. Discrepancies in 94 khatahs have been noticed as regards to allotment of plot (residential industrial) without their names recorded in the demand register.
- ii. Allotment of excess allotment in 106 khatahs that is, allotment of plot/land sizes bigger than demand/entitlement/beyond the limits prescribed in the scheme.
- iii. Allotment of plot made to the person not eligible as per scheme with respect to 4 khatahs.

(copy of scrutiny report enclosed at **Annexure-II**)

7. That the Settlement Officer (Consolidation) has clarified in the file bearing number 2580/SDM/AP/2023 at 3/N-5/N dated 16.03.2024 that the practice of consignment of old records to record room with the formal approval of SO(C) is not mandated under EPH Act & Rules and thus, the related law does not necessitate any such procedure and, therefore the consolidation proceedings have been concluded **Annexure-III**.

8. That, similar view was held by the Hon'ble Delhi High Court in the matter of LPA 573/2023 titled "GNCT of Delhi Vs Uppal Housing Private Limited & Ors" wherein it was observed that:

"16. Reliance on Section 30 of the EPH Act is misplaced and untenable. The documents and evidence establish that the consolidation proceedings had indeed concluded and that the landholders had been placed in possession of their allotted plots. This negates any legal



grounds for the enforcement of Section 30 in this context, rendering the order impugned in the original writ devoid of legal validity. For those reasons, in the opinion of the Court, it was within the jurisdiction of the learned Single Judge to rely on Section 24 of EPH Act, which is the deeming provision "24. Coming into force of scheme-(1) As soon as the persons entitled to possession of holdings under this Act have entered into possession of the holdings, respectively allotted to them the scheme shall be deemed to have come into force and the possession of the allottees affected by the scheme of consolidation, or as the case may be by repartition, shall remain undisturbed until a fresh scheme is brought into force or a change is ordered in pursuance of provisions of sub-sections (2), (3) and (4) of section 21 or an order passed under section 36 or 42 of this Act. (2) A Consolidation officer shall be competent to exercise all or any of the powers of a Revenue Officer under the Punjab Land Revenue Act. 1887 (Act XVII of 1887), for purposes of compliance with the provisions of subsection (1)."

17. In light of the aforementioned analysis and taking into account the pivotal fact that the landowners were put into possession of their respective plots as a direct outcome of the implementation of the final consolidation scheme, it becomes imperative for the court to abstain from intervening in the view taken by the learned Single Judge. As outlined within the impugned Order, it is essential to underscore that, in the present scenario, the execution of sale deeds has already transpired in favour of the respondent."

9. That, the SDM/SO(C) has also taken the view that then C.O. including the then consolidation team who concluded the consolidation proceedings failed to apprise their superiors and this Hon'ble Court about the above discrepancies and take all necessary corrective measures. That necessary departmental/disciplinary action has been recommended by the SO(CYSDM against these



erring officials.

10. That, in view of the above scrutiny report of the Consolidation team, the Settlement Officer (Consolidation) has directed that since the EPH Act & related Rules do not mandate any approval required for consignment of records and therefore, the consolidation proceedings of the said village are thus concluded. However, at the same time, the SO(C) has also directed that with respect to the khatas in which violations of scheme/rules have been found, the consolidation team to re-examine their eligibility and take necessary corrective action. against them as per law after giving due opportunity of hearing. However, such an exercise is an independent process and can continue even after the conclusion of consolidation proceedings.

11. That, it is reiterated that the consolidation proceedings of Village Khera Kalan have been completed by the virtue of the order of the then C.O. dated 29.09.2022. However, there is no legal bar for any party/khatedar from approaching any appropriate forum for redressal of their grievances with respect to any deficit/excess allotment even after conclusion of consolidation proceedings.”

5. Learned counsel for the petitioner submits that as per East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, once the consolidation proceedings are complete there cannot be any changes in the same. However, learned counsel for the respondents draws attention of this Court to Section 24 of the said Act which reads as under:-

“24. Coming into force of scheme-[(1) As soon as the persons entitled to possession of holdings under this Act have entered into possession of the holdings, respectively allotted to them the scheme shall be deemed to have come into force and the possession of the allottees affected by the scheme of consolidation or, as the case may be, by repartition, shall remain undisturbed until a fresh scheme is brought into force or a change is ordered in



pursuance of provisions of sub-section (2), (3), (4) of Section 21 or an order passed under Section 36 or 42 of this Act].

[(2) A Consolidation Officer shall be competent to exercise all or any of the powers of a Revenue Officer under the Delhi Land Revenue Act 1954, or the U.P. Land Revenue Act, 1901, as in force in the Union Territory of Delhi, as the case may be, for purposes of compliance with the provisions of sub-section (1)]”.

6. A perusal of the aforesaid provision would reflect that necessary changes can be made even after the consolidation is complete.
7. Moreover, the direction by the learned Single Judge was for completion of consolidation proceedings, which as per the said status report has been concluded. In these circumstances, the petition is disposed of with liberty to the petitioners to take appropriate steps in accordance with law with respect to any grievance in respect of the aforesaid proceedings before the Court of competent jurisdiction/appropriate forum.
8. Pending application(s), if any, also stands disposed of.
9. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MAY 12, 2026/nk/sg