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

+ **W.P.(C) 15703/2025 & CM APPL. 64252/2025**

**BADLEY & ORS.**

.....Petitioners

Through: Mr. Mukesh Kumar Verma,  
Advocate.

Versus

**SUB DIVISIONAL MAGISTRATE & ORS.**

.....Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**25.03.2026**

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1. The Petitioners had instituted proceedings under Section 74(4) of the Delhi Land Reforms Act, 1954 before the SDM, Vasant Vihar, seeking declaration of *bhumidari* rights in respect of land comprised in Khasra No. 628 (5 Bigha 10 Biswa), situated in Village Ghitorni, New Delhi. Those proceedings came to be dismissed on 27<sup>th</sup> April, 2023 for non-prosecution on account of non-appearance.
2. The challenge to that order emanates in the backdrop of earlier proceedings [W.P.(C) No. 12331-37/2006] wherein the Petitioners had questioned action on the part of the Respondents, including the Forest Department, in relation to the subject land, which was sought to be dealt with as surplus land. By order dated 8<sup>th</sup> September, 2010, this Court



relegated the Petitioners to pursue their remedy for declaration of *bhumidari* rights under Section 74(4) of the Delhi Land Reforms Act, 1954 and, in the meantime, directed maintenance of *status quo* while permitting continuation of cultivation till such adjudication.

3. The Petitioners now submit that, with the dismissal of the proceedings before the SDM on 27<sup>th</sup> April, 2023, the protective arrangement flowing from the order dated 8<sup>th</sup> September, 2010 has effectively come to an end. At the same time, the Petitioners also urge that, in view of urbanisation of the land, the SDM no longer retained jurisdiction to adjudicate the matter, as held in ***Mohinder Singh (D) Thr. LRs. v. Narain Singh***.<sup>1</sup> The submission, therefore, is that the impugned order if allowed to subsist will prejudice the Petitioners, particularly in the matter of claim to the possession of the subject land. It is, accordingly, urged that the impugned order cannot be sustained and ought to be set-aside.

4. The Court is unable to accept the petition in that form. Once it is the Petitioners' own case that, by reason of urbanisation, the proceedings before the SDM had ceased to be maintainable for want of jurisdiction, no useful purpose would be served in setting aside the order dated 27<sup>th</sup> April, 2023 and restoring those proceedings. A restoration of proceedings before a forum which, according to the Petitioners themselves, lacks jurisdiction would be an empty exercise.

5. There is another difficulty. The impugned order is not an adjudication on merits of the Petitioners' claim to *bhumidari* rights. It is only an order of dismissal for non-prosecution. Even if that order were interfered with, the Court would still be left with the Petitioners' own objection that the SDM



could not proceed with the matter at all. The petition thus rests on two positions which are contradictory: first, that the SDM had no jurisdiction to continue with the proceedings; and secondly, that this Court should nonetheless revive those very proceedings.

6. In substance, therefore, the present petition does not raise any surviving issue as to the validity of the order dated 27<sup>th</sup> April, 2023 which calls for interference in exercise of writ jurisdiction. The real grievance of the Petitioners concerns the alleged threat to possession and cultivation at the instance of officials, including those of the Forest Department, and the apprehension that the earlier protection may no longer be available.

7. That grievance, however, cannot be addressed in these proceedings by indirectly reviving a remedy which the Petitioners themselves say has become unavailable before the revenue forum. If the Petitioners claim an independent right in the land, or seeks protection against dispossession or interference otherwise than in accordance with law, it is open to him to pursue such remedies as may be available before the competent civil forum or other forum of appropriate jurisdiction. It is before such forum that all questions relating to possession, title, status of the land, and the legal effect, if any, of the earlier order dated 8<sup>th</sup> September, 2010 may be examined in accordance with law.

8. It is accordingly clarified that the Petitioners shall be at liberty to avail such remedies as may be open in law before the competent forum. All rights and contentions of the parties are left open, including those founded on the order dated 8<sup>th</sup> September, 2010 passed by this Court in W.P.(C) No. 12331-37/2006.

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<sup>1</sup> MANU/SC/0237 /2023.



9. It is also made clear that this Court has not expressed any opinion on the merits of the rival claims concerning title, *bhumidari* rights, possession, or the effect of urbanisation in relation to the subject land.

10. With these observations, the present petition, along with pending application(s), is dismissed.

**SANJEEV NARULA, J**

**MARCH 25, 2026/ab**