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

+ **W.P.(C) 3317/2012**

SH. SHER SINGH

.....Petitioner

Through: Ms. Geeta Mehrotra, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Ripin Sood, Advocate for R1-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.03.2026

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1. This petition concerns a small parcel of agricultural land falling under Khasra Nos. 56/25/1, 57/19/3 and 57/20/2, measuring 5 bighas and 1 biswa, situated in Village Rawta, Delhi. The Petitioner claims that the land was allotted to him by the Gaon Sabha as an *Asami*, that he reclaimed the land when it was barren, and has been in continuous cultivatory possession thereafter. The Respondents, however, dispute this claim, contending that no lawful allotment was ever made in favour of the Petitioner, that the documents relied upon by him are not genuine, and that the land stood dealt with during consolidation proceedings in favour of the predecessor of Respondent Nos. 4 to 6.

2. The Petitioner traces his claim to an alleged allotment by the Gaon Sabha in the early 1970s. He relies upon a resolution dated 4th January 1973, an LR Form 37, and a certificate of allotment. According to him, the land was originally banjar, which he reclaimed through his own effort and



expense and thereafter brought under cultivation. The Respondents deny the existence of any such allotment, admission as *Asami*, or lawful possession.

3. It is not in dispute that, on 18th January, 1990, the Petitioner approached the Revenue Assistant under Section 74(4) of the Delhi Land Reforms Act, 1954 [*“DLR Act”*] seeking declaration of *Bhumidhari* rights in respect of the subject land. In those proceedings, the Petitioner asserted his status as an *Asami* and continuous cultivation, which was contested by the Gaon Sabha.

4. In support of his claim, the Petitioner relied, *inter alia*, on the statement of the *Halka Patwari* dated 23rd August, 1991, which recorded that although the land stood in the name of the Gaon Sabha, it was being cultivated by the Petitioner.

5. Since the application under Sections 73 and 74 of the DLR Act remained pending, the Petitioner approached this Court in C.W.P. No. 5054/2002. By order dated 19th August 2002, this Court directed the Revenue Assistant to dispose of the said application in accordance with law on or before 31st December, 2002.

6. Pursuant thereto, the Revenue Assistant decided the application by order dated 14th May, 2003, rejecting the Petitioner’s claim. It was held that no allotment in favour of the Petitioner had been proved, that he had not been admitted as an *Asami* by the Gaon Sabha, and that he had failed to establish entitlement to *Bhumidhari* rights. The order further observed that the Petitioner may be a trespasser liable to eviction. For sake of convenience, the order is extracted hereunder:

“This order shall dispose off the application dated 18-01-1990 of Shri Sher Singh S/o Sh. Chatter Singh resident of village Rawta, New Delhi for declaration of bhumidhari right under section 74(4) of



Delhi Land Reforms Act in respect of Khasra No. 56/25/1, 57/19/3 and 57/20/2 total measuring 5 bighas 1 biswa situated in the revenue estate of village Rawta. The applicant stated in the application that the above said land has been allotted by the Pradhan of village as an Asami for five years on lease basis. The applicant further stated that the land in question was a bunzar/ barren land at the time of allotment. It is further submitted by the applicant that the applicant has spent Rs. 4000/- on the land in question for reclamation and now the land in question is fully reclaimed. The application is cultivating the land regularly and has shown the crop in the year two times. It is further submitted by the applicant that the Gaon Sabha has not admitted the applicant has bhumidhar till today.

The applicant has also submitted the photocopy of resolution passed by Gaon Sabha dated 4-1-1973. The applicant has further submitted the photocopy of LR Form-37 and photocopy of the certificate of the allotment.

Notices were issued to the respondent Gaon Sabha. The Gaon Sabha has appeared in the Court and filed the written statement and contested the case. The respondent has stated in the written statement that the no land has been allotted to the applicant by the Gaon Sabha at any point of time. The petition is without use of action and the document filed by the applicant are forged and fabricated. The Gaon Sabha further stated that the petition/application wants to grab the land of Gaon Sabha and lastly prayed for the dismissal of the application of the applicant for declaration of bhumidharl rights.

I have heard the argument of both counsel at length. During the course of arguments the applicant has submitted the orders of the Hon'ble High Court of Delhi in which the Revenue Assistant was directed to dispose off the application of the applicant in accordance with law on or before 31-12-2002. The respondent has also submitted the copy of resolution on 12-3-2003 and it was revealed from the resolution submitted by the Gaon Sabha that no allotment has been made to the applicant and the documents and resolution filed by the applicant are false and fabricated. It is further revealed from the record that the Halqa Patwari has also made a statement on 23-8-1991 that the land in question is in the bhumidhari of the Gaon Sabha. But the applicant is cultivating the land. In my opinion the applicant may be trespasser and the applicant can be evicted therefrom.

In view of the above, fact and circumstance and record. I am of the considered opinion that the applicant was not admitted as an asami by the Gaon Sabha and no allotment has been made in the name of applicant. The applicant has clearly failed to prove his case according to the rules frames under the act for declaration of bhumidhari rights in respect of khasra No. 56/25/1, 57/19/3 and



57/20/2 total measuring 5 bighas 1 biswa situated in the revenue estate of village Rawta is hereby dismissed. File consigned to record room.” [SIC]

7. In the meantime, consolidation proceedings in Village Rawta progressed. The Petitioner challenges the consolidation order dated 22nd November, 2002, and the subsequent order dated 2nd February, 2012 passed by the Financial Commissioner in revision against the order dated 22nd November, 2002. The Respondents contend that the consolidation proceedings validly recognised the entitlement of their predecessor.

8. Against this backdrop, the principal controversy between the parties is whether the Petitioner has been able to establish any legally recognisable right in the land on the basis of his asserted possession, and whether such right, if any, could have been recognised in consolidation proceedings.

9. The Petitioner submits that his cultivatory possession is reflected in the revenue record, including *Khasra Girdawari* entries of earlier years, i.e., 1975-76, 1976-77 and 1978-79, which carry a presumption of correctness and establish his continuous possession. It is contended that even if such possession were treated as unauthorised, long and uninterrupted possession, in the absence of proceedings under Sections 84 or 86A of the DLR Act, would entitle him to acquire *Bhumidhari* rights under the statutory scheme. It is further urged that the consolidation proceedings culminating in the order dated 22nd November, 2002 were undertaken during the pendency of his application under Sections 73 and 74 of the DLR Act, and prior to the date fixed by this Court for its disposal, and therefore could not have ignored his claimed rights.

10. The Respondents, on the other hand, submit that the Petitioner has no locus or enforceable right in respect of the land and is, at best, an



unauthorised occupant. It is contended that the revenue record does not support his claim of lawful possession or allotment, that the documents relied upon by him are fabricated, and that his claim has already been rejected by the competent revenue authorities. The land was validly allotted in consolidation proceedings in favour of the predecessor of Respondents No. 4 to 6, pursuant to which they are in lawful possession, and the present petition is an attempt to unsettle settled rights without any legal foundation.

Analysis

11. The Petitioner's case begins with an assertion of lawful possession of the land in dispute. He says the Gaon Sabha had put him in possession as an *Asami*, that the land was then banjar, and that he reclaimed and cultivated it continuously thereafter. Had that status already stood recognised in law, the consolidation authorities could not have proceeded as though he had no right in the land. The difficulty is that the Petitioner himself carried that very claim to the Revenue Assistant under Sections 73 and 74 of the DLR Act.

12. The order of this Court dated 19th August, 2002 [in C.W.P. No. 5054/2002] on the Petitioner's earlier writ petition also cannot be read as an affirmation of his claims. This Court did not hold that he was an *Asami*, or that he had acquired *Bhumidhari* rights, or even that his possession stood proved. The order went no further than directing the Revenue Assistant to decide the pending application within a stipulated period.

13. The application was then decided. The result was adverse to the Petitioner. By order dated 14th May, 2003, the Revenue Assistant held that no allotment in his favour had been proved; he had not been admitted as an *Asami* by the Gaon Sabha; and he had failed to establish any entitlement to declaration of *Bhumidhari* rights. The order also recorded that he may be a



trespasser. Right or wrong, that is the position on the record as it stands today.

14. These findings change the complexion of the present challenge. The Petitioner wants the Court to examine the consolidation outcome on the footing that he had a pre-existing tenure right which the authorities failed to honour. But that foundation is not presently available to him. A competent forum has already rejected the very claim from which that asserted right is supposed to flow. So long as that order remains in the field, the Court cannot proceed as though his status over the land is still open or provisionally in his favour.

15. The Petitioner has pressed the point that the Revenue Assistant's decision came after the date fixed by this Court on 19th August, 2002, and that the consolidation proceedings culminating in the order dated 22nd November, 2002 were undertaken during the pendency of his application under Sections 73 and 74 of the DLR Act. That may explain his grievance, but it does not carry him far enough. The earlier order of this Court did not decide upon the merits of his claim. It merely directed that the claim be decided within a stipulated time frame. Once the decision came, and came against him, the Petitioner could no longer say that consolidation had proceeded in disregard of an undecided statutory right. The statutory right had been examined and had not been accepted. The mere pendency of proceedings, without a subsisting recognition of right, does not by itself invalidate what followed in consolidation.

16. Long possession and cultivation do not, by themselves, answer that difficulty. The Petitioner has relied upon entries in the *Khasra Girdawari* and the statement of the *Halka Patwari* to contend that his possession stood



established and carried a presumption of correctness. Those materials may go some distance in showing that he was on the land. They do not, without more, establish lawful allotment or admission as an *Asami* under the statutory scheme. Under the DLR Act, the route on which the Petitioner relies begins with admission by the Gaon Sabha as an *Asami* to land of the kind mentioned in Section 74. Cultivation may support possession; it is not the same thing as proving lawful recognition as per the statute. The Revenue Assistant had that broad line of case before him and still held that the Petitioner had failed to prove it. This Court cannot now treat the same material as though it had already settled the issue in his favour.

17. The Petitioner has also urged that even if his possession were treated as unauthorised, long and uninterrupted possession, in the absence of proceedings under Sections 84 or 86A of the DLR Act, would entitle him to acquire *Bhumidhari* rights. That contention again rests on the assumption that the statutory conditions for such a consequence stand satisfied. The difficulty, once more, is that the very foundation for invoking such a claim has already been examined and rejected in proceedings before the competent authority. So long as that determination remains undisturbed, the Court cannot proceed on the basis that such rights have accrued in his favour.

18. Nor can the consolidation proceedings be used to get around that obstacle. Under consolidation law, the scheme takes effect when possession is delivered in terms of the allotment, and the allottees' possession is then to remain undisturbed. The statute also proceeds on the footing that a landowner or tenant carries into the allotted land the same right he had in the original holding or tenancy. Consolidation, in other words, reworks recognised rights; it does not assume a tenure which stands unproved, much



less one that has already been declined in separate proceedings under the DLR Act. Unless the adverse order is first set-aside in accordance with law, the Petitioner has no real basis to reopen what followed in consolidation.

19. For these reasons, the petition cannot be decided on the broad language of fairness invoked by the Petitioner. The problem lies deeper. What the Petitioner seeks is to unsettle later orders passed in the consolidation proceedings, on the footing of a right which, on the present record, has not been established. This Court cannot proceed by overlooking those findings.

20. This is not to say that the Petitioner is without remedy for all time. It is only to say that this petition cannot do the work of the proceedings in which that question properly falls to be decided. If the order dated 14th May, 2003 is independently under challenge and is ultimately set aside, and if the Petitioner succeeds there in establishing the rights claimed by him under Sections 73 and 74 of the DLR Act, it will then be open to him to pursue such consequential remedies as may be available in law before the competent forum. That stage has not yet been reached.

21. On the material placed before this Court, therefore, no ground is made out to interfere with the impugned orders. Dismissed.

SANJEEV NARULA, J

MARCH 18, 2026/nk