

# Saroj Kumari Gupta & Ors vs Govt Of Nct Of Delhi And Ors on 8 April, 2022

**Author: Anu Malhotra**

**Bench: Anu Malhotra**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 5842/2022, CM APPL. 17539/2022 & CM APPL. 17575/2022

SAROJ KUMARI GUPTA & ORS.

Through: Ms.Smita Maan & Mr.Vishal  
Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

Through: Mr.Anupam Srivastava  
GNCTD with Mr.Vasuh Mishra  
Advocates for R-1 to 3.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 08.04.2022 CM APPL. 17539/2022 (Ex.) Exemption allowed subject to all just exceptions. The application stands disposed of. W.P.(C) 5842/2022 The petitioners, vide the present petition seek a restraint against the respondent no.2 from proceeding further in the proceedings pending before it under Section 81 of the Delhi Land Reforms Act, 1954, bearing Case no. 91/RA/HK/02 and Case no. 369 /RA/ HK/ 2003 and also seek a prayer to the effect that the said proceedings be declared null, non-est and void ab- initio for patent lack of jurisdiction.

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It is the submission of the petitioners that the land in question stood urbanized way back in the year 1963, much prior to the initiation of the impugned proceedings by way of issuance of a notification dated 23.05.1963 under Section 507A of the Delhi Municipal Corporation Act, 1957 and consequent thereto, the provisions of the DLR Act ceased to apply to govern to the land in question in any manner with reliance having been placed on behalf of the petitioners on the following verdicts:-

"Indu Khorana Vs. Gram Sabha & Ors 2010 SCC Online Del 1334;

Narain Singh & Ors. Vs. Financial Commissioner & Ors. LPA No. 591/2008;

Gur Pratap Singh Vs. UOI 2004(78) DRJ 621; Shri Neelpadmaya Consumer Products Pvt. Ltd. Vs. Satyabir 2016 SCC Online Del 761;

Sanraj Farms Pvt. Ltd. Vs. Charan Singh 2019 SCC Online Del 10741;

Sushma Kapoor Vs. Govt. of NCT of Delhi 2021 SCC Online Del 5170;

Sanvik Engineers India Pvt. Ltd. & Anr Vs. Govt. of NCT of Delhi 2022 SCC Online Del 360."

On behalf of the respondents, the learned ASC for the respondents does not dispute the prayer made by the petitioners vide the present petition, in as much as, the facts of the instant case are in pari materia with the facts of the case titled as "Sanvik Engineers India Pvt. Ltd. & Anr Vs. Govt. of NCT of Delhi" 2022 SCC Online Del 360, a verdict dated 04.02.2022 of the Co-ordinate Bench of this Court.

On a consideration of the record and the submissions made on behalf Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:20.04.2022 19:26:00 This file is digitally signed by PS to HMJ ANU MALHOTRA.

of either side and the factum that in the instant case, the land in question comprising in Khasra Nos. 272, 273, 274, 275, 276, 277, 278, 280 situated in Village Mehrauli, New Delhi was urbanized in terms of the notification under Section 507A of the Delhi Municipal Corporation Act, 1957 vide notification dated 23.05.1963 bearing No.RNZ/526 and that thus, the notice issued vide order dated 29.12.2003 of the Revenue Assistant, Hauz Khas in terms of the document placed as Annexure-P9 at page 70,- despite the conditional order dated 06.06.2002 and vesting order dated 16.09.2002 bearing File No.91/RA/KH/02 having been set aside vide order dated 24.05.2004 of the Revenue Assistant, Hauz Khas in case No.91/RA/HK/02,- is wholly void ab-initio as held vide observations in paragraph 53 of the verdict in Sanvik Engineers India Pvt. Ltd. (supra) which reads to the effect:-

"53. Insofar as CASE 1 is concerned, this need not detain the Court since it was fairly conceded by the respondents that where no proceedings have been drawn or initiated under Section 81 prior to the issuance of the notifications, no authority or jurisdiction would be retained to invoke the same. This position clearly flows from the decisions of the Court that have been noticed above and which have consistently taken the view that once the land stands comprised in notifications issued under the DMC or the DDA Acts, it would stand excluded from the application of the DLR. This since it has ceased to answer to the description of land itself as defined in Section 3(13) of the Act. The Court thus comes to the firm conclusion that once the area has come to be urbanized and stands comprised in notifications issued under the DMC or the DDA Acts, the respondents would stand denuded of all jurisdiction and authority to initiate proceedings under Section 81 of the Act thereafter."

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In the circumstances, the petition is allowed and the respondent no.2 is restrained from proceeding further in the proceedings pending before it under Section 81 of the Delhi Land Reforms Act, 1954, bearing Case no. 91/RA/HK/02 and Case no. 369 /RA/ HK/ 2003 in relation to the land comprising in Khasra Nos. 272, 273, 274, 275, 276, 277, 278, 280 situated in Village Mehrauli, New Delhi.

The W.P.(C) 5842/2022 is disposed of accordingly.

ANU MALHOTRA, J APRIL 8, 2022 nc Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:20.04.2022 19:26:00 This file is digitally signed by PS to HMJ ANU MALHOTRA.