

30 CS DJ 408/23 JAGPAL SINGH Vs. RAJENDRA SINGH MATHUR

04.05.2026

Present : Sh. Anshu Malik, intern for Ld. Counsel for plaintiff with plaintiff.
Sh. S.S. Mittal, Ld. Counsel for defendant/ DDA with Sh. Hari Kishan Pal, Deputy Director and Sh. Sumit Singhal, Kanoongo.
Ms. Vasu Singh, Ld. Counsel for MCD.

1. On 14.03.2026, this court was constrained to bring to the notice of the Chairperson of DDA the apathy on the part of its officers. Despite service of notice, no report has been received from the office of Chairperson of DDA, which suggests a concerning indifference towards protection of public land.
2. In the interregnum, DDA has continued to adopt inconsistent and shifting stands before this Court. Initially, it was submitted that preparation of a “kabza karwai” document was necessary for DDA to assume control and for vesting of ownership of land previously belonging to the Gaon Sabha. Subsequently, it has been contended that a portion of the land is private land, while with respect to the remaining portion, a new plea has been raised that the land finds no mention in the revenue records.
3. This Court, vide order dated 06.01.2026, had specifically directed DDA to explain the necessity of preparing a “kabza karwai” or any similar document. Despite repeated opportunities, no explanation has been furnished by the Commissioner (Land Management), DDA. It remains unexplained as to why DDA insists upon formal

documentation for handing over possession of vacant land, particularly when it is well-settled by the Hon'ble Supreme Court that possession of vacant land follows ownership.

4. Such insistence has serious consequences. It enables DDA to evade responsibility for safeguarding land vested in it on the ground that possession has not been formally handed over, while simultaneously allowing the Gram Sabha to disclaim responsibility post-urbanisation. This administrative vacuum renders valuable public land vulnerable to encroachment, thereby undermining governmental rights.
5. It is further noteworthy that the BDO has filed an affidavit asserting that the land is owned and possessed by DDA. Despite this, DDA appears unwilling to assert or protect its rights over the said land.
6. This Court had expected appropriate intervention by the Chairperson of DDA; however, no action appears to have been taken.
7. The District Magistrate, North-West District shall clarify:
 - (a) whether Khasra No. 110/27 in Village Mohammadpur Majri is absent from revenue records; and
 - (b) whether such absence is permissible under the provisions of the Delhi Land Reforms Act as applicable to the area.

8. It is expected that on the next date, DDA and the Revenue Department present a clear, consistent, and unified stand on:
 - (a) whether the land in question previously belonged to the Gaon Sabha;
 - (b) whether the said land now vests in DDA; and
 - (c) whether preparation of a “kabza karwai” or any other document for transfer of possession was required upon urbanisation, and if so, the reasons for its non-preparation.
9. Compliance reports shall be filed before the next date of hearing.
10. Copy of this order be sent to Chairperson of DDA and to the District Magistrate, North-West District. Copy of this order be also given dasti to Ld. Counsel for DDA, as prayed.

Renotify on 08.06.2026.

(Ashish Aggarwal)
District Judge-III
North-West District,
Rohini Courts, Delhi
04.05.2026