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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 409/2024

SUSHIL MANN

..... Petitioner

Through: Mr. Anupam Singh and Mr. Harpal
Singh, Advocates

versus

SDM NARELA & ANR.

..... Respondents

Through: Mr. Prashant Manchanda, ASC for
GNCTD with Ms. Nancy Shahl and
Mr. Haridas, Advocates

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

11.01.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 1839/2024 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 409/2024 & CM APPL. 1838/2024 (for stay)

3. This is a writ petition under Article 226 and 227 of the Constitution of India seeking issuance of a writ/order/direction in the nature of certiorari for quashing and setting the order dated 03.08.2023 passed by the respondent No.1 in proceedings under Section 84 of the Delhi Land Reforms Act, 1954 being *non est* in law in view of the fact that said village was urbanized vide notification dated 16.05.2017 issued under Section 507(a) of the DMC Act, 1957.
4. Learned counsel submits that the impugned order in question is passed by the SDM/RA (Narela) in Case No.347/RA/NL/2016 titled as *Bhim Singh Vs. Surat Singh and others*, which were proceedings



under Section 84 of the DLR Act, 1954 were in respect of the land bearing khasra No.50/25/2 situated in the revenue estate of village Khera Khurd, Delhi.

5. Learned counsel submits that the aforesaid impugned order dated 03.08.2023 was passed subsequent to the urbanization of the village Khera Khurd and as such it would be *non-est* in law. He relies upon the judgment of Supreme Court in ***Mohinder Singh vs. Narain Singh*** reported in **2023 SCC OnLine SC 231** and also the judgment of ***Sanvik Engineers India (P.) Ltd. vs. State (NCT of Delhi)*** passed by Co-ordinate Bench of this Court in W.P. (C) 5627/2020 having **neutral citation : 2022:DHC:425**.

6. Issue notice.

7. Notice is accepted by learned counsel appearing for the respondent No. 1.

8. Upon the petitioner taking steps within one week, let the notice be issued to respondent No.2 through all permissible modes.

9. Reply be filed within four weeks with an advance copy to learned counsel appearing for the petitioner. Rejoinder thereto be filed within four weeks thereafter.

10. List before the Registrar on 01.04.2024.

11. List before the Court on 14.05.2024

12. In the meantime, any action proposed under the order dated 03.08.2023 shall be kept in abeyance till the next date of hearing.

TUSHAR RAO GEDELA, J

JANUARY 11, 2024/MS