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

+ W.P.(C) 7264/2025

SH JAI PAL SINGH & ORS.

.....Petitioners

Through: Mr. Kundan Kumar Mishra, Mr.
Ratnesh Kumar, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr. Arun Birbal, Mr. Sanjay
Singh, Advocates for DDA.
Ms. Rachita Garg, Mr. Agam
Rajput, Advocates for R-2 to 4.
Mr. Neeraj Kumar, Advocate for
MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.05.2025

CM APPL. 32783/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 7264/2025

1. Issue notice. Mr. Arun Birbal, learned counsel, accepts notice on behalf of Delhi Development Authority ["DDA"], Ms. Rachita Garg, learned counsel, accepts notice on behalf of Government of National Capital Territory of Delhi ["GNCTD"], and Mr. Neeraj Kumar, learned counsel, accepts notice, on behalf of Municipal Corporation of Delhi.
2. This petition has been filed under Article 226 of the Constitution,



concerning proceedings pending before the Deputy Commissioner, North West, in an appeal filed by the petitioners under Section 185 of the Delhi Land Revenue Act, 1954 ["DLRA"], against the order of the Sub-Divisional Magistrate dated 22.08.2013.

3. The petitioners had earlier approached this Court by way of W.P.(C) 10108/2015, which was disposed by order dated 30.10.2015, noting that the petitioners proposed to challenge the order dated 22.08.2013, by way of an appeal. It was specifically directed as follows:

"At this stage, learned counsel for petitioner states that in accordance with this Court's order dated 20th January, 2014 disposing of W.P.(C) 5639/2011 petitioners would file an appeal challenging the order dated 22nd August, 2013 passed by the then SDM, Saraswati Vihar.

In the event such an appeal is filed within three weeks, appellate authority is directed to dispose of the same within twelve weeks thereafter.

Needless to say, the appellate authority shall decide the appeal on its own merits without being influenced by any observations made by this Court. Rights and contentions of all parties are left open."

[Emphasis supplied.]

4. This writ petition has been filed, bringing to the notice of the Court that the appeal has not yet been decided. A copy of the appeal has been placed on record, from which it appears that it was filed before the Deputy Commissioner, North West, on 03.12.2015. It has thus been pending for nine and half years. Copies of the order sheets have also been placed, on record from which it appears that the appeal has been adjourned on most occasions, due to non-availability of the Presiding Officer.

5. Even today, the matter was passed over to enable Ms. Garg to take instructions, but she states that the District Magistrate is unwell and in



hospital. Ms. Garg is not certain whether she is on medical leave.

6. The appeal has remained pending for this length of time, despite an order of the Court requiring it to be disposed of within a particular time frame. It appears from the record that the petitioners were also late in filing the appeal, by about three weeks, but that can hardly justify such a delay in disposal.

7. Ms. Garg also submits that the appeal itself has become incapable of adjudication as the Village in question has since been urbanised by a notification under Section 507 of the Delhi Municipal Corporation Act, 1957. To my mind, the appeal was still required to be disposed of in accordance with law. If the petitioners have to be left to their alternative remedies, it is all the more reason that the *non-est* proceedings should be brought to an expeditious close.

8. Having regard to these facts, the Divisional Commissioner, GNCTD, is directed to look into the matter at his/her level, and file a status report personally within four weeks from today. The status report will examine the order sheets in this case and state whether arrangements are in place, to enable officers to attend to their duties under the DLRA, in addition to other administrative responsibilities. Status report be filed within four weeks. The record of this case will also be produced before the Court on the next date of hearing.

9. The District Magistrate will also file her affidavit within the same time period.

10. In the event the status report and affidavit are not filed within the time granted by this Court, the Divisional Commissioner is requested to remain present in Court on the next date of hearing, either personally or



through video conference, alongwith relevant record.

11. The pendency of this petition will not come in the way of the District Magistrate continuing with the proceedings and disposing of the pending appeal in the meanwhile. Any hearing before the District Magistrate will be on at least three days' notice to the petitioners, to be served additionally through their counsel in this writ petition.

12. List on 01.08.2025.

PRATEEK JALAN, J

MAY 26, 2025

"Bhupi"/AD/