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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CONT.CAS(C) 1255/2024, CM APPL. 57426/2024 & CM APPL.
74424/2025
N S VASISHTPetitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr.
Vishal Singh, Mr. Keshav Das M., Mr.
Vikas Arora, Advs.

versus

DISTRICT MAGISTRATE SOUTH SHRI MEKALA CHAITANYA
PRASAD, IAS & ORS.Respondents

Through: Ms. Avni Singh, Adv. for GNCTD.
Mr. Sanjay Poddar, Sr. Adv. with Ms.
Shobhana Takiar, SC for DDA with
Mr. Shivam Takiar, Mr. Govind, Mr.
Kuljeet Singh, Mr. Prateek Dhir,
Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
27.11.2025

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1. This hearing has been done through hybrid mode.
2. The present petition has been filed alleging willful disobedience of an order dated 06.01.2006 in W.P. (C) 14343/2005 passed by the learned Single Judge of this Court. During the pendency of the present proceedings, learned Predecessor Bench of this Court *vide* order dated 27.03.2025 allowed the impleadment of DDA as a necessary party in pursuance of an application bearing no. CM APPL. 68165/2024 and accordingly directed DDA to file a status report.
3. Learned counsel for respondent/DDA has placed on record a reply



dated 01.08.2025 to the present petition, wherein it has been stated that a fraud has been committed by the petitioner and it is further stated in the following manner: -

“16. That, be that as it may, in the present petition the respondent no. 1 to 3, GNCTD have filed their reply dated 17.09.2024 based on revenue records through Tehsildar. The said facts as stated in the reply were not before the Hon'ble Court while deciding the earlier writ petitions. Petitioner deliberately concealed the said facts from this Hon'ble Court. The said reply unraveled the fraud committed by the petitioner and his predecessor in interest which are enumerated as under:

“a) Pre-enactment of the Delhi Land Reforms Act, 1954, Smt. Kasturi was the recorded owner of the land bearing Khasra no. 2712/1660/8 (57 bighas 9 biswas) falling in village Mehrauli, New Delhi. Copy of Jamabandi is placed on record by the respondent no. 1.

b) In the year 1958, the Revenue Assistant, Delhi, in exercise of powers conferred under Section 7 of the Delhi Land Reforms Act, 1954 declared the land falling in Khasra no. 2712/1660/8 min (57 bighas 09 biswas) as vested land being Gair Mumkin Pahar and same is duly recorded in LR Form 2 of the Delhi Land Reforms Act, 1954. Since 1959, the land is recorded in the name of Gaon Sabha.

c) Vide notification dated 20th August 1974 the area was urbanised and placed at the disposal of the applicant. Copy of the notification dated 20.08.1974 is annexed as Annexure-VI.

d) In 1959 Notification under Section 4 of the Land Acquisition Act was issued and the land was acquired through Award no. 43A/81-82 of the Land Acquisition Act, 1894. Possession of the land was also handed over to DDA by LAC on 09.03.1983. It falls in green area, viz. Mango Orchard Andheria More between Firni Road and Oxidation Ditch (Mango Orchard Phase-III) and it is also a part of South-Central Ridge as per Forest Conservation Act of 1927. The land is in uninterrupted possession of the appellant DDA and being developed as green area having Mango Orchard Part-III.

e) On evaluation of revenue records, it has been found that the Khasra no. 2712/1660/8 min was never an Evacuee property rather it was Khasra no. 2712/1660/7 having area of 10-12.



f) It is submitted that Sale Certificate dated 27.01.1961 issued to Hans Raj having total land measuring 17 bighas 04 biswas which included khasra no. 2712/1660/5 (old) New No. 1112 (0-5), 2712/1660/8 (old) New no. 1128 (10-12) (wrongly mentioned instead of 2712/1660/7), 2712/1660/1 (old) New no. 1122 (0-14), 2712/1660/2 (old) New no. 1123 (5-8) and 2712/1660/4 (old) New no. 1125 (0-5). The mistake was corrected by the revenue department of GNCTD, by making necessary corrections in the revenue records, i.e. Khatauni Pamaish of the year 1980.

g) The alleged Sale Deed of Smt. Kasturi (the alleged predecessor in title) of the petitioner is concerned, it is submitted that post extinguishment of her rights in terms of Section 7 of the Delhi Land Reforms Act 1954, she was incompetent to execute any sale deed in respect of land bearing Khasra no. 2712/1660/8 on 07.03.1962.”

4. Attention of this Court has been drawn to an order dated 10.03.2025 in a Review Pet. 149/2025 filed by DDA in W.P. (C) No. 14343/2005, whereby the learned Single Judge of this Court while dismissing the aforesaid review petition by DDA had observed as under: -

“9. Although it is contended in the present review petition that the land in question, i.e., 56 Bighas and 18 Biswas was not, in fact, evacuee property, I am of the view that such a contention is not open to the DDA at this stage. The purported acquisition of the land has been quashed by the Supreme Court’s order dated 17.09.2003 on this ground, observing specifically as follows:

“Before us it is not disputed, as it could not be, that on the date of issuance of this Notification the property concerned, in these appeals, were evacuee properties.”

10. The other contention taken in the review petition is that the land in question had, in fact, been urbanised by a notification dated 23.05.1963 and placed at the disposal of the DDA under Section 22(1) of the DDA Act, 1957, by a notification dated 20.08.1974.

11. As far as this aspect is concerned, it is evidently not the subject matter of the order of the Supreme Court dated 17.09.2003, by which the acquisition proceedings were finally disposed of. The order under review proceeds only on the basis of the said order of



the Supreme Court.

12. Learned counsel for the writ petitioner disputes that any right flows to the DDA arising out of the said notifications, and also submits that the DDA ought not to be permitted to raise such a plea at this stage. However, he does not contest the position that the aforesaid rights, if any, were not adjudicated by the Supreme Court.

13. In view of the above, I am of the view that no error apparent is evident on the face of the order under review. The review petition and pending applications are, therefore, disposed of, with the clarification that if the DDA has any rights flowing out of any other statutory instrument, the order under review does not seek to foreclose those rights. All rights and contentions of both parties in this regard are left open.

14. One further issue requires consideration, which is of DDA's conduct in suppressing from the review petition, the fact that DDA itself had filed a Special Leave Petition against the order dated 14.12.1995, and also sought review thereof.

15. In this connection, it may be noted that paragraph 15 (e) and (f) of the review petition state as follows:

“e) That the father of the petitioner challenged the acquisition by filing WP 2256/1983. The said petition was allowed vide judgment dated 14.12.1995 without adjudicating the title merely on the ground that the land in question being an evacuee property.

*f) **Appeal filed by UOI** before the Hon'ble Supreme Court was dismissed on the ground that on the date of notification issued under Section 4 of the Land Acquisition Act, the land in question was an evacuee property and was exempted from acquisition.”*

[Emphasis supplied.]

16. It is evident that the judgment of this Court has been referred to in the review petition, and the appeal filed by the Union of India has also been referenced, but there is no mention of the fact of filing of an SLP or review petition by DDA itself. Mr. Arvind Varma, learned Senior Counsel for DDA, is unable to point to any other averment in this regard, but submits that the file notings of DDA, which, in turn, contain references to the said Special Leave Petition and the review petition, have been annexed to the present review petition.

17. I am not satisfied that the inclusion of such annexures in a review petition meets the requirements of disclosure, which every



litigant is expected to follow, and which statutory authorities certainly ought to follow with utmost care. The inclusion of specific averments regarding the judgment of this Court, and the dismissal of an appeal filed by the Union of India, without any pleading as to the litigation instituted by the DDA before the Supreme Court, constitutes a suppression of material facts, for which DDA must, in my view, be visited with costs.

18. Mr. Varma tenders an unconditional apology, which I do not consider sufficient in the face of DDA's indulgence in such a practice.

19. The review petition is disposed of with these observations, subject to deposit of costs of Rs.50,000/- by the DDA with the Delhi High Court Legal Services Committee ["DHCLSC"] [*UCO Bank, Delhi High Court, Shershah Road, New Delhi, Account No. 15530110008386, IFSC Code- UCBA0001553*] within four weeks from today."

5. On a pointed query by this Court with regard to the steps taken, if any, by DDA with respect of the liberty granted to the said department in para 12 and 13 as pointed out hereinabove, it is stated that this issue can be agitated in the present petition. Admittedly, no steps have been taken with respect to the said liberty.

6. In these circumstances, this Court deems it appropriate that the concerned Officer of the DDA, *i.e.*, Deepak Kumar, Deputy Director, ALM, shall remain present before this Court on the next date of hearing, with relevant records and instructions.

7. List on 15.01.2026.

AMIT SHARMA, J

NOVEMBER 27, 2025/kr/db