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

+ **W.P.(C) 13638/2024**

SHRI DHARAMPAL & ORS.

.....Petitioners

Through: Mr. Rajesh Yadav, Senior Advocate
with Mr. Param Aggarwal, Advocate.
versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Rishikesh Kumar, ASC with
Ms.Sheenu Priya, Mr. Atik Gill, Mr. Sudhir
Kumar Shukla and Mr. Sudhir, Advocates for
Respondents No.1 and 2/GNCTD.
Mr. Kavindra Gill, Senior Panel Counsel for
Respondent No.3/UOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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27.09.2024

CM APPL. No. 57052-57053/2024

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 13638/2024 and CM APPL. 57051/2024

3. This writ petition has been preferred on behalf of the Petitioners under Article 226/227 of the Constitution of India seeking the following reliefs:

“(a) quashing the proceeding initiated by the learned RA/SDM (Mehrauli), under Section 81 of the Delhi Land Reforms Act, 1954, in respect of land comprised in Khasra Nos. 356 Min (0-17), 357 Min (0-9), 356 Min (0-15), 357 Min (1-6), situated in the revenue estate of Village Sultanpur, New Delhi, now part of the unauthorised colony "Village Sultanpur", New Delhi;

(b) quashing/setting aside the order dated 27.01.2014 passed by the learned Revenue Assistant/ SDM (Mehrauli), Old Tehsil Building, Mehrauli, New Delhi- 110030, in case No. 62/RA/HK/1 0/6458-6, titled as "Gaon Sabha, Sultanpur Vs. Dharam Pal, Vijay Kumar, Shikha Hans."



4. Mr. Rajesh Yadav, learned Senior Counsel for the Petitioners, at the outset, on instructions, states that Petitioners shall withdraw the appeal bearing No. 92/2017 pending before the Appellate Authority against the impugned order dated 27.01.2014 as the proceedings under Section 81 of the Delhi Land Reforms Act, 1954 (1954 Act) are *non-est* and deserve to be quashed by this Court.

5. Mr. Yadav submits that proceedings initiated by the learned Revenue Assistant/SDM in respect of land comprised Khasra Nos. 356 Min (0-17), 357 Min (0-9), 356 Min (0-15), 357 Min (1-6), situated in the revenue estate of Village Sultanpur, New Delhi under Section 81 of 1954 Act are *non-est* as the said land on the date of initiation of the proceedings was part of an unauthorised colony and a provisional regularisation certificate was issued on 17.09.2008. The land was not an 'Agricultural land' and not the 'Land' as defined in Section 3(13) of the 1954 Act and by virtue of circular dated 03.07.2013, provisions of 1954 Act have ceased to apply.

6. It is further contended that Ministry of Housing and Urban Affairs has issued a notification dated 29.10.2019 under Section 57 of Delhi Development Act, 1957 whereby 'The National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorized Colony) Regulations, 2019' were made and in the list of unauthorized colonies identified under the 2008 Regulations, which is annexed with the 2019 Regulations as Annexure-II, Village Sultanpur is shown at serial No. 1591 as an unauthorized colony. It is urged that Village Sultanpur where the subject land is situated was earlier declared as 'Low Density Residential Area' ('LDRA') vide Notification dated 18.06.2013 and now stands urbanised by a Notification dated 20.11.2019 issued under Section 507(a) of



Delhi Municipal Corporation Act, 1957 and therefore, for all the aforesaid reasons, the proceedings under Section 81 of 1954 Act are *non-est* and cannot continue. Learned Senior Counsel relies on the judgment in ***Harpal Singh v. Ashok Kumar & Others, (2018) 11 SCC 113***, where the Supreme Court has held that 1954 Act will not be applicable to the land which has lost the basic character of an agricultural land and converted into authorized/unauthorized colonies. Reliance is also placed on the judgment of the Supreme Court in ***Mohinder Singh (Dead) Through Lrs and Another v. Narain Singh and Others, 2023 SCC OnLine SC 261***, wherein the Supreme Court held that once a notification has been issued under Section 507(a) of Delhi Municipal Corporation Act, 1957, provisions of 1954 Act cease to apply and in sequel thereto, proceedings pending under 1954 Act become *non est* and lose their legal significance. Reliance is also placed on the judgments of this Court in ***Sushma Kapoor v. Government of NCT of Delhi and Another, 2021 SCC OnLine Del 5170***, and ***Rajeev Shah through LR Ms. Gayatri Shah v. Government of NCT of Delhi and Others, 2023 SCC OnLine Del 2023***, to contend that once an area is declared as LDRA, the proceedings under Section 81 of the 1954 Act become *non-est* as the said Act ceases to apply.

7. Issue notice.
8. Mr. Rishikesh Kumar, learned ASC accepts notice on behalf of Respondents No.1 and 2.
9. Mr. Kavindra Gill, learned Senior Panel Counsel accepts notice on behalf of Respondent No.3/UOI.
10. Counter-affidavits be filed by the Respondents before the next date of hearing.



11. List on 23.01.2025.

12. It is directed that *status quo* shall be maintained by the Respondents with respect to the possession of Petitioners' subject land, as aforementioned, till the next date of hearing.

JYOTI SINGH, J

SEPTEMBER 27, 2024

B.S. Rohella/shivam