



2026:DHC:6571-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 12.05.2026***Judgment delivered on: 11.08.2026***

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LPA 554/2025 & CM APPLs. 54807-10/2025

GOVERNMENT OF NCT OF DELHI

.....Appellant

Through: Mr. Sameer Vashisht, SC, Civil,
GNCTD with Ms. Harshita Nathrani
and Mr. Aryaman Vachher, Advs.

Versus

NORTH EAST TRIBAL WELFARE
SOCIETY (REGD.)

.....Respondent

Through: Mr. Sumit Bansal, Sr. Adv. with Mr.
Omprakash, Mr. Rajeev Pathak, Ms.
Tulna Rampal and Ms. Nikita Gupta,
Advs.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****J U D G M E N T****DEVENDRA KUMAR UPADHYAYA, C.J.**

1. This instant *intra-court* appeal seeks to assail the validity of the order dated 26.05.2023 passed by learned Single Judge, whereby W.P.(C) 2257/2018 instituted by the respondent, has been allowed and a direction has been issued that the land in question, i.e. 1/5th share of the land situated in Khasra no. 24/6/1/2 (0-18), 24/15/2 (1-12), 13/29 (0-3), 25/10/2 (0-15), 25/11 (4-16), 25/12 (1-14), 25/20/1 (0-8) and 25/20/2 (3-18) in the Revenue



Estate of Village *Goela Khurd*, South-West District, New Delhi, be handed over to the respondent.

2. Heard the learned Counsel for the parties and perused the records available before us on this appeal. So far as the legal issues which arise in this appeal are concerned, the same has been decided by us vide judgment and order dated 11.08.2026 delivered by us today in *LPA 34/2024, Government of NCT of Delhi v. Ruksana Bano & Ors.* The relevant issues framed in *Ruksana Bano (supra)* are extracted herein below:

“I. When does “Land” defined in Section 3(13) of the DLR Act, 1954 get urbanized;

(a) Whether on publication of notification under Section 507(a) of the DMC Act, 1957;

or

(b) On publication under Section 11 of DD Act, 1957 of the Master and Zonal Development Plans prepared under Section 7 and 8 respectively of the said Act;

II. What are the consequences of notification issued under Section 507(a) of the DMC Act, 1957 which ensue by operation of Section 150(3) of the DLR Act, 1954;”

3. After a detailed discussion, the conclusions drawn on the aforesaid issues in *Ruksana Bano (supra)* are as under:

“52. Thus, our conclusion in respect of Issue I is as follows:-

A. Land defined under Section 3 (13) of the DLR Act, 1954 gets urbanized on publication of a notification under Section 507 (a) of DMC Act, 1957 with further consequences as per Section 507(b) and (c) of DMC Act, 1957 and Section 150 (3) of the DLR Act, 1954.

B. Once any notification under Section 507 (a) of DMC Act is issued the Gaon Sabha stands dissolved, and all properties movable and immovable, which include land comprised in dissolved Gaon Sabha, get



vested in the Government, and further the Government steps into the shoes of the dissolved Gaon Sabha in relation to duties, obligations, rights, interests and liabilities of the dissolved Gaon Sabha.

C. All taxes and fees and other charges due to Gaon Sabha immediately before its dissolution on notification under Section 507 of DMC Act shall be deemed to be due to the Central Government.

D. The provisions of the DLR Act cease to operate in relation to lands vested in the Government on dissolution of Gaon Sabha as a consequence of notification under Section 507 (a) of the DMC Act, 1957.

E. Master and Zonal Plans prepared under Section 7 & 8 of DD Act, 1957, respectively become operative on publication of notification issued under Section 11 of the said Act as a result of which no development can take place in the 'development area' notified under Section 12 of the DD Act without permission of the Development Authority and so far as area other than 'development area' is concerned, development can take place only on approval or sanction for such development which is to be obtained from the Local Authority concerned.

F. On publication of notification under Section 11 of the DD Act, 1957 of Master and Zonal Plan prepared under Section 7 & 8 of the said Act respectively, operation of provisions of DLR Act including Section 81 & 82 does not come to a halt. Operation of the DLR Act ceases only on issuance of notification under Section 507(a) of the DMC Act, 1957, as a consequence of which the land defined under Section 3(13) of the DLR Act gets vested in the Government. Section 150(3)(e) of the DLR Act, 1954 makes it unambiguously clear that provisions of DLR Act shall apply only in relation to lands in Gaon Sabha, which is not vested in the Government under clause 'a' of sub-Section (3) of Section 150 of DLR Act and accordingly in our opinion notification under Section 11 of the DD Act of the Master and Zonal Plans prepared under Section 7 & 8 respectively of the said Act does not have any bearing on the operation of DLR Act. The provisions of the DLR Act cease to operate only in respect of land which gets vested in the Government as per consequence flowing from Section 150(a) of the DLR Act.

Issue II

53. Discussion so far as Issue II as culled out above, has already been made in the preceding paragraphs. We may, at the cost of repetition, remind ourselves of the consequences flowing from operation of Section 150(3)(e) of the DLR Act, on issuance of a notification under Section 507(a) of the DMC Act. As already concluded above, the consequence of vesting of land in the Government by operation of Section 150(3)(a) of the DLR Act results in cessation of operation of the DLR Act in relation to land vested in the Government, as per Section 150(3)(e) of the DLR Act. This is the most vital consequence for the purposes of resolution of



2026:DHC:6571-DB



the dispute in this appeal that ensures on issuance of notification under Section 507(a) of the DMC Act, 1957 by operation of Section 150(3) of the DLR Act, 1954.”

4. The *LPA 34/2024* has been allowed by quashing the order passed by the learned Single Judge, dated 07.03.2023, which was under challenge therein, and the validity of the order dated 24.06.2010, passed by Revenue Assistant/SDM, Najafgarh, Delhi ((hereinafter referred to as the “RA/SDM”), vesting the land in question in the said matter, has been upheld.

5. However, so far as the facts available on the instant appeal are concerned, they are some what different from the facts in *Ruksana Bano (supra)*. The main distinguishing feature of the facts in the instant case is that in *Ruksana Bano (supra)*, the order of vesting was not challenged before the year 2018 by taking recourse to the statutory remedies available under section 185(3) of the Delhi Land Reforms Act, 1954 (hereinafter referred to as the “DLR Act, 1954”), and the said order was challenged for the first time straight away by filing *W.P.(C) 5517/2020*, after a lapse of 8 years in the year 2018, whereas in the instant case the order of vesting dated 24.06.2010 was first challenged by moving an application for recall before the RA/SDM, which was dismissed by order dated 08.04.2013. Whereafter, the order of vesting and the order dismissing the recall application passed on 24.06.2010 and 08.04.2013 respectively were challenged in an appeal under section 185(3) of the DLR Act, 1954, before the District Magistrate, which, too, was dismissed on 05.12.2017.



6. The respondent, thus, instituted the underlying *W.P.(C) 2257/2018* challenging the aforesaid three orders, namely the order of vesting dated 24.06.2010, the order dismissing the recall application dated 08.04.2013 and the order dated 05.12.2017 by which the appeal was dismissed. It is also relevant to point out that while filing the underlying *W.P.(C) 2257/2018*, the respondent had also challenged the order dated 13/14.10.2015 issued by the Director (Panchayat), GNCTD, allotting the land to the Director, Directorate of Education, Govt. of NCT of Delhi (hereinafter referred to as the “**DoE, GNCTD**”). Thus, unlike the facts of *LPA 34/2024 [Ruksana Bano (supra)]*, in the instant case, the respondent has continuously been prosecuting its case against the order of vesting dated 24.06.2010 passed under section 81 of the DLR Act, 1954. The case put forth by the respondent all through in different proceedings was that the land in question was not used for non-agricultural purpose; rather, it was lying vacant and therefore vesting of land in *Gaon Sabha* under section 81 of the DLR Act, 1954, was illegal.

7. We may also note that the respondent has been challenging the order of vesting dated 24.06.2010 also on the ground that the same was passed in violation of principles of natural justice and further that the final order of vesting dated 24.06.2010 was passed, preponing the date in the proceeding under section 81 of the DLR Act, 1954, from 16.07.2010 without any notice or information of such preponement to the respondent. Therefore, the instant LPA, in our opinion, needs to be decided on its facts as narrated above while reiterating the law enunciated by us in the judgment and order delivered by us today in *LPA 34/2024*, which we have already extracted hereinabove.



8. Thus, the question which falls for our consideration and decision in this appeal is as to whether the order of vesting dated 24.06.2010 was passed by the RA/SDM in violation of principles of natural justice in as much as the date 16.07.2010, which was fixed in the proceedings under section 81 of the DLR Act, 1954, was preponed and a final order was passed 24.06.2010 without any information/intimation or notice to the respondent.

9. The said issue assumes relevance and therefore needs consideration by us for the reasons that an order of vesting under section 81 of the DLR Act, 1954 can be passed only if it is found on the basis of material and evidence on record that the land in question was being used for non-agricultural purposes. Section 81 of the DLR Act, 1954, is extracted herein below:

“81. Ejectment for use of land in contravention of the provisions of this Act. [(1)] *A Bhumidhar or an Asami shall be liable to ejectment on the suit of the Gaon Sabha or the landholder, as the case may be, for using land for any purpose other than a purpose connected with agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming, and also pay [damages] equivalent to the cost of works which may be required to render the land capable of use for the said purposes.*

[(2) Notwithstanding anything contained in sub-section (1), the Revenue Assistant also may, on receiving information or on his own motion, eject the Bhumidhar or Asami, as the case may be, and also recover the damages referred to in sub-section (1), after following such procedure as may be prescribed.]

10. Accordingly, if the holder of any land as defined in Section 3(13) of the DLR Act, 1954, is found to have been using the land for non-agricultural purposes, only in that eventuality the land can be ordered to be vested in *Gaon Sabha*, and further the order of eviction of the land holder can be passed. In this view, if the holder of the land is denied adequate opportunity



to contest its case under section 81 of the DLR Act, 1954, in our opinion the order of vesting and eviction will be vitiated.

11. We now proceed to note the facts in respect of the aforesaid factual issue:

a. A notice under section 81 of the DLR Act, 1954 was issued by the RA/SDM in L.R. FORM-48 which stated therein that it was brought to the notice that the land described in the schedule of the notice has been used for non-agricultural purposes and in contravention of chapter III-D of the DLR Act, 1954, and therefore action under section 81 of the DLR Act, 1954 was proposed to be taken against the respondent, and accordingly the respondent was required to appear in person before the court of RA/SDM by the said notice on 18.01.2010 to show cause why action should not be taken under section 81 of the DLR Act, 1954.

b. By another order dated 14.01.2010 itself, the RA/SDM concerned passed a restrain order, restraining the respondent or any other person from making any construction on the land in question with a further direction that the *status quo* shall be maintained till further orders.

c. The proceedings under section 81 of the DLR Act, 1954, were adjourned from 18.01.2010 to 12.02.2010 as the presiding officer was busy in administrative work. On 12.02.2010, the proceedings were again adjourned to 26.04.2010, for the same reason. In the meantime, the respondent filed a reply dated 26.03.2010 in the said proceedings denying the allegations as mentioned in the restrained order and further stating that no such activity as “construction of boundary wall and any other construction work,” had been undertaken.



d. On 26.04.2010, the proceedings were again adjourned to 16.07.2010 for the reason that the presiding officer was busy in administrative work. These order sheets are on record.

e. It is apparent from a perusal of the order sheets available on record that the proceedings under section 81 of the DLR Act, 1954, which were fixed on 26.04.2010, were adjourned for 16.07.2010; however, before the next date, i.e., 16.07.2010, the order of eviction and vesting was passed by the RA/SDM of 24.06.2010.

f. The RA/SDM also issued a warrant to give possession of the land in question *vide* order dated 24.06.2010; this warrant of possession is available on page 136 of the instant LPA. On the warrant of possession, in fact, two dates are inscribed i.e., 24.06.2010 and 22.06.2010. The learned counsel of respondent has taken strong exception to this document and submitted that though the proceedings were fixed for 16.07.2010; however, before the said date the order of eviction and vesting was passed on 24.06.2010 itself, and it appears that warrant of possession was prepared prior to the date of order of vesting and eviction i.e. on 22.06.2010.

g. Against the order dated 24.06.2010, the respondent preferred an application seeking recall of the said order; however, the said application was dismissed by the RA/SDM *vide* order dated 08.04.2013, whereafter the respondent filed an appeal under section 185(3) of the DLR Act, 1954, before the District Magistrate, challenging the orders dated 24.06.2010 and 08.04.2013. The said appeal was also dismissed by order dated 05.12.2017. During pendency of the appeal, the Director (Panchayat), GNCTD, issued an order dated 13/14.10.2015 allotting/transferring the subject land to the DoE, GNCTD, with the approval of the Hon'ble Lieutenant Governor, Delhi.



h. The respondent thus filed the underlying W.P. (C) 2257/2018 before this Court, challenging the order of vesting and eviction dated 24.06.2010, the order dismissing the recall application dated 08.04.2013, the order dated 05.12.2017 by means of which the appeal was dismissed by the District Magistrate and the order 13/14.10.2015 passed by the Director (Panchayat), GNCTD allotting the land to DoE, GNCTD.

i. The learned Single Judge *vide* order dated 26.05.2023 held that handing over the possession of land to the DoE, GNCTD, was illegal, and therefore further directed that the land be handed over back to the respondent. It is this order dated 26.05.2023 passed by the learned Single Judge which is under challenge herein.

j. On noticing the aforesaid facts, what is clear is that the proceedings drawn and conducted by the RA/SDM under section 81 of the DLR Act, 1954, were in flagrant violation of the principles of natural justice. Non-observance of principles of natural justice would thus vitiate the order of vesting/ eviction.

k. The order sheets of the proceedings under section 81 of the DLR Act, 1954, which are on record, reveal that the proceedings, after issuance of notice on 14.01.2010, were adjourned firstly to 12.02.2010, and thereafter to 26.04.2010. The proceedings were again adjourned from 26.04.2010 to 16.07.2010. On all these occasions, the proceedings were adjourned on account of the fact that the presiding officer was busy with administrative work.

l. However, despite the proceedings being fixed on 16.07.2010, the date was preponed without any notice to the respondent, and the order of eviction and vesting was passed by the RA/SDM on 24.06.2010. Thus, the



respondent was clearly denied the adequate opportunity of putting forth its case and participate in the said proceedings. These aspects do not appear to have been considered appropriately by the RA/SDM while he passed the order dated 08.04.2013 dismissing the recall application and also by the appellate authority while he passed the order 05.12.2017. In view of the aforesaid, the order of vesting and eviction passed by the RA/SDM, dated 24.06.2010, is vitiated and thus not sustainable.

12. In the aforesaid facts, we are of the opinion that the matter needs to be remitted to the RA/SDM to decide the proceedings initiated under section 81 of the DLR Act, 1954, afresh after affording adequate opportunity to the respondent to put forth his case and defence as may be available under law. For this reason, the order dated 24.06.2010, 08.04.2013 passed by RA/SDM and the appellate order dated 05.12.2017 are liable to be set aside.

13. We may further note that in view of what has been held by us in the judgment and order pronounced today in *LPA 34/2024*, urbanization in respect of the land in question took place on issuance of notification under section 507(a) of the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the “DMC Act, 1957”), which was issued on 16.05.2017. The consequence of the notification of section 507(a) of the DMC Act, 1957, flows from the operation of the provisions contained in section 150(3) of the DLR Act, 1954. Section 150(3)(d) of the DLR Act, 1954, clearly provides that all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against *Gaon Sabha* on dissolution of *Gaon Sabha* in terms of section 150(3) of the DLR Act, 1954, may be continued or



instituted by or against the Union of India. Section 150(3) of the DLR Act, 1954, is extracted herein below:

“150 (3) If the whole of a Gaon Sabha Area ceases to be included in rural areas as and defined in the Delhi Municipal Corporation Act, 1957, by virtue of a notification under section 507 of that Act, the Gaon Sabha constituted for that area shall thereupon stand dissolved and on such dissolution,-

(a) all properties, movable and immovable, and all interests of whatsoever nature and kind therein, including moneys held in Gaon Sabha Area Fund, vested in the Gaon Sabha immediately before such dissolution, shall, with all rights of whatsoever description, used, enjoyed or possessed by Gaon Sabha, vest in the Central Government;

(b) all duties, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Gaon Sabha before such dissolution shall be deemed to have been incurred, entered into or engaged to be done with or for the Central Government;

(c) all rates, taxes, fees rents and other charges due to the Gaon Sabha immediately before such dissolution shall be deemed to be due to the Central Government;

(d) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Gaon Sabha may be continued or instituted by or against the Union of India;

(e) the provisions of this Act shall apply in relation to lands in such Gaon Sabha Area, not being lands vested in the Central Government under clause (a), subject to the codification that references therein to Gaon Sabha and Gaon Panchayat shall be construed as references to the Central Government;

(f) notwithstanding anything contained in clause (b) of sub-section (2) of section 1, the provisions of sections 84, 85, 86A and 87 and any other provision of this Act relating to ejectment of persons shall apply in relation to lands vested in the Central Government



under clause (a) subject to the modification that references therein to Gaon Sabha and Gaon Panchayat shall be construed as references to the Central Government.”

14. Thus, on the matter being remitted under this order, the RA/SDM shall be well within his jurisdiction and power to continue the proceedings initiated against the respondent by issuing the notice under section 81 of the DLR Act, 1954 on 14.01.2010.

15. In view of the aforesaid discussion, the impugned order passed by the learned Single Judge dated 26.05.2023 is set aside, and the appeal is disposed of in the following terms:

- a. The order of vesting/eviction passed by the RA/SDM on 24.06.2010 under section 81 of the DLR Act, 1954, is quashed.
- b. The order dated 08.04.2013 passed by the RA/SDM as well as the order dated 05.12.2017 passed by the appellate authority are also quashed.
- c. The proceedings initiated on issuance of notice dated 14.01.2010 under section 81 of the DLR Act, 1954, shall be revived and decided afresh by the RA/SDM with expedition, say within a period of 6 months from today.
- d. Parties shall maintain *status quo* as it exists on the spot today till the disposal of the proceedings under Section 81 of DLR Act, 1954 to be conducted afresh under this order by the RA/SDM.
- e. Parties to the proceeding under section 81 of the DLR Act, 1954, shall appear before RA/SDM on 17.08.2026 at 11 a.m., for which no other/further notice will be required to be served on the parties.
- f. Adjournment in the proceedings which are to be revived and decided afresh by the RA/SDM shall ordinarily not be sought by the parties, which



2026:DHC:6571-DB



shall, however, be permissible only in exceptional circumstances, that too with the express and specific leave of the presiding officer.

16. The appeal along with pending applications thus stands disposed of finally.

17. Costs made easy.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TEJAS KARIA)
JUDGE

AUGUST 11, 2026
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LPA 554/2025

Page 13 of 13