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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Judgment reserved on: 04.05.2026**

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Judgment delivered on: 11.08.2026+ **LPA 34/2024, CM APPLs. 1681/2024 & 25148/2024****GOVERNMENT OF NCT OF DELHI**

.....Appellant

Through: Mr. Sameer Vashisht, Standing
Counsel with Mr. Anubhav Gupta,
Panel Counsel (Civil) GNCTD and
Ms. Harshita Nathrani, Advocate.

versus

RUKSANA BANO & ORS.

.....Respondents

Through: Mr. Sanjoy Ghose, Senior Advocate
with Mr. Firoz Iqbal Khan, Ms. Farhat
Jahan Rehmani, Mr. Imran Ahmed,
Mr. Mohit Garg and Ms. Fatima
Parveen, Advocates.

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.****BRIEF FACTS AND THE CHALLENGE**

1. This instant intra-Court appeal seeks to take exception to the judgment and order dated 07.03.2023 passed by the learned Single Judge whereby W.P.(C.) No. 5517/2020 filed by the respondents has been allowed and the order dated 24.06.2010 passed by the Sub-Divisional Magistrate



(SDM)/Revenue Assistant (RA) (Najafgarh), Delhi has been set aside and the appellant has been directed to hand over the possession of the land in question under the ownership of the respondents.

2. At this juncture itself, we may note that by means of the order dated 24.06.2010 passed by the SDM/RA, which was under challenge before the learned Single Judge in the proceedings of the aforesaid writ petition, the land comprised in Khasra No. 24/6/1/2 (0-18), 15/2 (1-12), 10/02 (0-15), 25/11 (4- 16), 12 (1-14), 25/20/1 (0-8), 20/2 (3-18), situated in village *Goela Khurd*, Delhi was ordered to be vested in *Gaon Sabha* and the *Bhumidhar* recorded in the revenue records in respect of the said land was ordered to be ejected.

3. The facts of the case leading to filing of the instant intra-Court appeal are as follows:

3.1 *Halqa Patwari* of the area concerned submitted a report on 02.01.2010 to the SDM/RA stating therein that the land in question has been converted into non-agricultural use, whereupon it appears that the SDM/RA inspected the site and found violation of some restraint order and also that the land in question was used for non-agricultural purpose in the form of developing an unauthorised colony. On inspection, it was also noticed by the SDM/RA that if time is given, the land in question will further be developed into unauthorized colony.

3.2 The SDM/RA, relying on the said inspection carried out by him and the report dated 02.01.2010 submitted by *Halqa Patwari*, found that over the land in question plots had been carved out by doing DPC and construction was raised on it and that houses existed thereon which was in contravention



of Section 81 of the Delhi Land Reforms Act, 1954 (hereinafter referred to as the “DLR Act, 1954”).

3.3 The SDM/RA accordingly passed an order on 24.06.2010 observing therein that since the respondents had failed to comply with the restraint order, therefore, land was vested in the *Gaon Sabha* and, consequently, the *Bhumidhar* stood ejected from the land in question by the said order and the same was vested in the *Gaon Sabha* with immediate effect.

3.4 It is worth noticing that the said order dated 24.06.2010 passed by the SDM/ RA was never challenged in appeal under Section 185(3) of DLR Act, 1954 read with Schedule I appended to the Act, before the Deputy Commissioner (District Magistrate); neither any second appeal under Section 185(4) of the said Act read with Schedule I was filed before the Chief Commissioner.

3.5 It is also on record that *vide* an order/notification dated 13.10.2015, Director (Panchayat) Government of NCT of Delhi allotted the land in question to the Education Department of Government of NCT of Delhi, for setting up of a school as approved by the Hon’ble Lieutenant Governor.

3.6 As per the respondents, they had purchased the land in question through General Power of Attorney (GPA) from the original recorded *Bhumidhar*, however, even the respondents or their predecessor-in-interest did not challenge the order dated 24.06.2010 passed by the SDM/RA by taking recourse to the remedy of First and Second appeals in terms of the provisions contained in Section 185(3) and 185(4) of the DLR Act, 1954. It is only in the month of June, 2018 that the respondents instituted the proceedings of W.P.(C.) No. 11217/2018 against the order dated 24.06.2010 passed by the SDM/RA. The said writ petition was filed after a lapse of a



considerable period of 08 long years from the date the order was passed by the SDM/RA on 24.06.2010. The said writ petition was, however, dismissed as withdrawn by a learned Single Judge of this Court granting opportunity to the respondents to file a representation before the Hon'ble Lieutenant Governor of Delhi to the effect that the land in question stood urbanized way back on 04.06.2010 and, therefore, the order dated 24.06.20210 cannot be implemented.

3.7 It seems that though the said representation made by the respondents pursuant to the order dated 16.10.2010 passed by the learned Single Judge in W.P.(C.) No. 11217/2018 was referred to the office of the District Magistrate and, thereafter, to the SDM/RA; however, no orders were passed which necessitated institution of the proceedings of W.P.(C.) No. 5517/2020 by the respondents that has been allowed by the learned Single Judge by means of the order dated 07.03.2023, which is under challenge herein.

STATUTORY PROVISIONS

4. Statutory provisions relevant for the purposes of appropriately addressing the issues which have emerged for our consideration and decision in this appeal are as follows:

I. DELHI LAND REFORMS ACT, 1954

Section 3(13)

“3. Definitions. *In this Act, unless the context otherwise requires,-*

(13) “land” except in sections 23 and 24, means land held or occupied for purpose connected with agriculture, horticulture or animal husbandry including pisciculture and poultry farming and includes-

- (a) buildings appurtenant thereto,*
- (b) village abadis,*
- (c) grovelands,*



(d) lands for village pasture or land covered by water and used for growing singharas and other produce or land in the bed of a river and used for casual or occasional cultivation,
but does not include –
land occupied by building in belts or areas adjacent to Delhi town, which the Chief Commissioner may be a notification in the Official Gazette declare as an acquisition thereto;”

Section 81

“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.]

Section 82

82. Decree for ejectment under section 81.-(1) A decree for ejectment under section 81 may direct the ejectment of Bhumidhar or Asami from the whole or part of the holding as the court, having regard to the circumstances of the case, may direct.

(2) The decree shall further direct that, if the Bhumidhar or Asami repairs the damage within three months next after the decree, the same shall not be executed except in respect of costs.”

Section 150

“CHAPTER V

GAON AND GAON PANCHAYAT

“150. Establishment and incorporation of Gaon Sabha and Gaon Sabha Area.-(1) The Chief Commissioner may by notification in the Official Gazette divide the entire area of the State into Gaon Sabha Areas each comprising one or more contiguous revenue villages for the purposes of this Act and may by notification alter the boundaries of any area so notified:



[Provided that such areas shall not include any area to which the Delhi Panchayat Raj Act, 1954, does not extend.]

(2) There shall be established for each Gaon Sabha Area and from such date or dates and by such name as may be prescribed, a Gaon Sabha having perpetual succession which shall be a body corporate and subject to any other enactment vested with the capacity of suing and being sued in its corporate name of acquiring, holding, administering and transferring property, both movable and immovable, and of entering into contracts.

(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.

(4) If only a portion of a Gaon Sabha Area ceases to be included in rural areas as aforesaid, the jurisdiction of the Gaon Sabha constituted for that area shall cease in respect of that portion and upon such cesser, the provisions of clause (a) to (f) of sub-section (3) shall apply to that portion as if the Gaon Sabha had been constituted for that portion alone and dissolved, subject to such incidental and consequential orders as the Chief Commissioner may deem necessary to make.

(5) If the size of a Gaon Sabha Area is reduced as a result of a portion thereof ceasing to be included in rural areas as aforesaid and the Chief Commissioner is of the opinion that the size of the Gaon Sabha Area is not sufficiently large to be under the jurisdiction of a separate Gaon Sabha, he may, by notification in the Official Gazette, declare that such Gaon Sabha Area shall, from a date to be specified in the notification, cease to be a separate Gaon Sabha Area and the Gaon Sabha constituted therefor shall stand dissolved and may direct that the said area shall be included in one or more adjoining Gaon Sabha Areas, and thereupon, the provisions of section 3 of the Delhi Panchayat Raj Act, 1954 (Delhi Act 3 of 1955), shall, so far as may be, apply.]”

Section 185

185. Cognizance of suits, etc, under this Act-*(1) Exceptogalerided by or under this Act no court other than a court mentioned in column 7 of Schedule shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), take cognizance of any suit, application, or proceedings mentioned in column 3 thereof.*

(2) Except as hereinafter provided no appeal shall lie from an order passed under any of the proceedings mentioned in column 3 of the Schedule aforesaid.

(3) An appeal shall lie from the final order passed by a court mentioned in column 3 to the court or authority mentioned in column 8 thereof.

(4) A second appeal shall lie from the final order passed in an appeal under sub-section (3) to the authority, if any, mentioned against it in column 9 of the Schedule aforesaid.



II. DELHI DEVELOPMENT ACT, 1957

Section 2(d) and Section 2(e)

“2. Definitions.—*In this Act, unless the context otherwise requires,—*

(d) “development” with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes redevelopment;

(e) “development area” means any area declared to be a development area under sub-section (1) of Section 12;”

Section 7

“CHAPTER III

MASTER PLAN AND ZONAL DEVELOPMENT PLANS

7. Civic survey of, and master plan for Delhi.—*(1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for, Delhi.*

(2) The master plan shall—

(a) define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

[(3) The master plan may provide for any other matter which is necessary for the proper development of Delhi.]

Section 8

8. Zonal development plans.—*(1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which Delhi may be divided.*

(2) A zonal development plan may—



(a) contain a site-plan and use-plan for the development of the zone and show the approximate locations and extents of land-uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;

(b) specify the standards of population density and building density;

(c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or redevelopment; and

(d) in particular, contain provisions regarding all or any of the following matters, namely:—

(i) the division of any site into plots for the erection of buildings;

(ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;

(iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;

(v) the alignment of buildings on any site;

(vi) the architectural features of the elevation or frontage of any building to be erected on any site;

(vii) the number of residential buildings which may be erected on any plot or site;

(viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;

(ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;



(x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;

(xi) the restrictions regarding the use of any site for purposes other than erection of buildings; and

(xii) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.”

Section 9

“9. Submission of plans to the Central Government for approval.—

(1) In this section and in Sections 10, 11, 12 and 14 the word “plan” means the master plan as well as the zonal development plan for a zone.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Central Government for approval and that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.”

Section 10

“10. Procedure to be followed in the preparation and approval of plans.—

(1) Before preparing any plan finally and submitting it to the Central Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Authority shall also give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Central Government for its approval.

(4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.



(5) Subject to the foregoing provisions of this section the Central Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section.”

Section 11

“11. Date of operation of plans.—Immediately after a plan has been approved by the Central Government, the Authority shall publish in such manner as may be prescribed by regulations a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice the plan shall come into operation.”

Section 12

“CHAPTER IV

DEVELOPMENT OF LANDS

12. Declaration of development areas and development of land in those and other areas.—[(1) As soon as may be after the commencement of this Act, the Central Government may, by notification in the Official Gazette, declare any area in Delhi to be a development area for the purposes of this Act:

Provided that no such declaration shall be made unless a proposal for such declaration has been referred by the Central Government to the Authority and the Municipal Corporation of Delhi for expressing their views thereon within thirty days from the date of the receipt of the reference or within such further period as the Central Government may allow and the period so specified or allowed has expired.]

(2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(3) After the commencement of this Act no development of land shall be undertaken or carried out in any area by any person or body (including a department of Government) unless,—

(i) where that area is a development area, permission for such development has been obtained in writing from the Authority in accordance with the provision of this Act,

(ii) where that area is an area other than a development area, approval of, or sanction for, such development has been obtained in writing from the local authority concerned or any officer or authority thereof empowered or authorised in this behalf, in



accordance with provisions made by or under the law governing such authority or until such provisions have been made, in accordance with the provisions of the regulations relating to the grant of permission for development made under the Delhi (Control of Building Operations) Act, 1955 (53 of 1955), and in force immediately before the commencement of this Act:

Provided that the local authority concerned may ²³[subject to the provisions of Section 53-A] amend those regulations in their application to such area.

(4) After the coming into operation of any of the plans in any area no development shall be undertaken or carried out in that area unless such development is also in accordance with such plans.

(5) Notwithstanding anything contained in sub-sections (3) and (4) development of any land begun by any department of Government or any local authority before the commencement of this Act may be completed by that department or local authority without compliance with the requirements of those sub-sections.”

Section 14

“14. User of land and buildings in contravention of plans.—*After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan:*

Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force.”

Section 29

“29.Punishments.—*[(1) Any person who whether at their own instance or at the instance of any other person or any body (including a department of Government) undertakes or carries out development of any land in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in Section 12 or in contravention of any condition subject to which such permission, approval or sanction has been granted, shall be—*

(a) punishable with imprisonment of either description for a term which may extend to three years, if such development relates to utilising, selling or



otherwise dealing with any land with a view to the setting up of a colony without a lay out plan;

(b) liable to penalty which may extend to fifty thousand rupees in any case, other than those referred to in clause (a).]

(2) Any person who uses any land or building in contravention of the provisions of Section 14 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be liable to penalty which may extend to fifty thousand rupees and in case of a continuing contravention, with further penalty which may extend to two thousand and five hundred rupees for every day during which such contravention continues after the order imposing penalty has been passed and confirmed for the first contravention].

[(3) Any person who obstructs the entry of a person authorised under Section 28 into or upon any land or building shall for the first contravention be liable to penalty which may extend to ten thousand rupees and for any second or subsequent contravention, to the punishment provided under Section 221 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023).]

[(4) Any person who assaults any person authorised under Section 28 to enter into or upon any land or building, after such entry, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.]"

Section 53

“53. Effect of other laws.—*(1) Nothing in this Act shall affect the operation of the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956).*

(2) [Save as otherwise provided in sub-section (4) of Section 30 or sub-section (8) of Section 31 or sub-section (1) of this section], the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(3) Notwithstanding anything contained in any such other law—

(a) when permission for development in respect of any land has been obtained under this Act such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained;

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed to be



lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.”

III. **DELHI MUNICIPAL CORPORATION ACT, 1957**

Section 2(61)

“2. Definitions.—*In this Act, unless the context otherwise requires :—*

(52) “rural areas” means the areas of Delhi which immediately before the establishment of the Corporation are situated within the local limits of the District Board of Delhi established under the Punjab District Boards Act, 1883 (Punjab Act 20 of 1883), but shall not include such portion thereof as may, by virtue of a notification under Section 507, cease to be included in the rural areas as herein defined;”

(61) “urban areas” means the areas of Delhi which are not rural areas;”

Section 507

“507. Special provisions as to rural areas.—*Notwithstanding anything contained in the foregoing provisions of this Act,—*

(a) the Corporation with the previous approval of the [* *] Government, may, by notification in the Official Gazette, declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification that portion shall be included in and form part of the urban areas;*

(b) the Corporation with the previous approval of the [* *] Government may, by notification in the Official Gazette,—*

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit;

(ii) levy taxes, rates, fees and other charges in the rural areas or any portion thereof at rates lower than those at which such taxes, rates, fees and other charges are levied in the urban areas or exempt such areas or portion from any such tax, rate, fee or other charge;

(c) the Corporation shall pay a Gaon Sabha—



(i) *an amount equal to the proceeds of the tax on profession, trades, callings and employments, as and when that tax is levied in the Gaon Sabha area, and*

(ii) *an amount equal to such portion of the proceeds of the property taxes on lands and buildings in that area as may from time to time be determined by the Corporation, after deducting the cost of collection from such proceeds.*

Explanation.—In this section the expressions “Gaon Sabha” and “Gaon Sabha area” have the same meanings as in the Delhi Panchayat Raj Act, 1954 (Delhi Act 3 of 1955).”

STATUTORY NOTIFICATIONS

5. The notifications mentioned in the following table issued under different provisions of Delhi Development Act, 1957 (hereinafter referred to as the “1 Act, 1957”) and the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as the “DMC Act, 1957”) which relate to the land in question are also relevant to be noted which are as follows:

<i>S.No.</i>	<i>Date and nature of notification</i>	<i>Provision of the Act under which notification was issued</i>
1.	07.02.2007: Master Plan for Delhi Notified	Under Section 7 of the Delhi Development Act, 1957
2.	04.06.2010: Zonal Plan notified	Under Section 8 of the Delhi Development Act, 1957
3.	16.05.2017: Notification issued declaring that the land in question shall cease to be included in rural area and shall form part of the urban area	Under Section 507(a) of the Delhi Municipal Corporation Act, 1957



4.	16.06.2017: Land in question was declared to be a“Development Area”	Under Section 12 of the Delhi Development Act, 1957
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SUBMISSIONS ON BEHALF OF THE APPELLANT

6. On behalf of the appellant, Mr. Sameer Vashisht, learned Standing Counsel, Civil, GNCTD has made the following submissions:

6.1 Neither the respondents nor their predecessor in interest i.e. the original *Bhumidhar* challenged the order dated 24.06.2010 passed by the SDM/RA whereby the land in question was vested in *Gaon Sabhaby* taking recourse to the appellate and second appellate remedies under Section 185(3) and 185(4) respectively of the DLR Act, 1954 and challenge to the said order dated 24.06.2010 was made for the first time after lapse of a period of 08 years in the year 2018, by filing W.P.(C) 11217/2018 and therefore, the claim put forth by the respondents was barred by unexplained delay and laches.

6.2 Section 81(2) of the DLR Act, 1954 empowers the Revenue Assistant to eject the *Bhumidhar's* on receiving the information that land holder has been using the land for a purpose other than the purpose connected with agricultural, horticulture or animal husbandry. It further provides that ejectment order can be passed by the Revenue Assistant on his own motion. Since it was found by the SDM/RA on inspection and also on the basis of the report submitted to him by the *Halqa Patwari* on 02.01.2010 that the land in question was being used for setting up houses in unauthorized colony which is a non-agricultural purpose, therefore, the order dated 24.06.2010



passed by the SDM/RA ejecting the respondents was well within his jurisdiction and authority.

6.3 Merely because the land in question comprised in the Master Plan and Zonal Plan notified on 07.02.2007 and 04.06.2010 under Section 7 and 8 of the DD Act, 1957, respectively, operation of Section 81 of the DLR Act, 1954 shall not automatically cease; rather the provisions of the DLR Act will become inoperative only on issuance of notification under Section 507(a) of the DMC Act, 1957 which, in this case, was issued on 16.05.2017 i.e. much after the order by the SDM/RA was passed on 24.06.2010.

6.4 Section 150(3) of the DLR Act, 1954 was inserted in the Principal Act by Act 38 of 1965 w.e.f. 07.04.1958 and the purpose of such insertion was to give effect to the consequences of notification issued under Section 507(a) of the DMC Act, 1957.

6.5 Sub-Section 3 of Section 150 of the DLR Act, 1954 did not exist prior to its insertion w.e.f. 07.04.1958 and since the DMC Act was enacted in the year 1957, as such, it is clearly decipherable that Sub-Section 3 of Section 150 of the DLR Act was inserted only to give effect to the consequences which flow from a notification issued under Section 507(a) of the DMC Act, as is apparent from a plain reading of Sub-Section 3 of Section 150 which provides that on such notification under Section 507(a) of the DMC Act, the *Gaon Sabha* concerned shall stand dissolved and all properties or interest of the *Gaon Sabha* shall vest in the Central Government. His submission, thus, is that it is abundantly clear that Sub-Section 3 of Section 150 was enacted with a view to carry out the consequences of notification under Section 507(a) of the DMC Act.



6.6 On notification of the Master and Zonal Plans under Sections 7 and 8, respectively, of the DD Act, 1957 the land as defined in Section 3(13) of the DLR Act, 1954 does not become urban area which is defined in Section 2(61) of the DMC Act and, accordingly, urbanization of land as defined in Section 3(13) of the DLR Act, 1954 takes place not on notification of Master and Zonal Plans under the DD Act, 1957 rather it takes place only on a notification issued under Section 507(a) of the DMC Act, 1957 whereupon the land described in Section 3(13) of the DLR Act, 1954 becomes urban area in terms of Section 2(61) of the DMC Act, 1957. In his submission, thus, Mr. Vashisht has argued that the learned Single Judge has not considered the aforesaid aspects of the matter and as such the order under challenge herein is liable to be set aside.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

7. Learned counsel for the respondents has, however, defended the impugned order passed by the learned Single Judge and has submitted that on issuance of the Master and Zonal Plans under Section 7 and 8 of the DD Act, 1957 respectively the land in question stood urbanized and, therefore, the provisions of Section 81 of the DLR Act, 1954 cease to operate and hence the order dated 24.06.2010 passed by the SDM/RA has rightly been set aside by the impugned order. It has been argued that the Zonal Plan was notified on 04.06.2010 which in terms of Section 11 of the DD Act, 1957 came into effect w.e.f. its publication and, therefore, any land use other than what has been prescribed in the Zonal Plan in respect of the land in question was not only impermissible but has penal consequences in terms of Section 29 of the DD Act, 1957.



7.1 Learned counsel for the respondents has also argued that they had purchased the land from the original *Bhumidhar* of the land in question through GPA and they had no information about the order passed by the SDM/RA on 24.06.2010 vesting the land in *Gaon Sabha* prior to the year 2016 until they found a notice board on the spot proclaiming that land stood transferred to Directorate of Education of Delhi Government, whereupon they first instituted W.P.(C.) No. 11217/2018 before this Court challenging the order dated 24.06.2010 and, thereafter, filed the W.P.(C.) No. 5517/2020 and, in this view of the matter, it cannot be said that the writ petition in which the impugned order has been passed suffered from the vice of any delay and laches.

7.2 It has also been argued on behalf of the respondents that Section 53 of the DD Act, 1957 provides that the provisions under the DD Act, 1957 will have overriding effect on any other provision of law and, therefore, once the Zonal Plan was issued on 04.06.2010 in respect of the land in question, the provisions of Section 81 of the DLR Act, 1954 would cease to operate and, hence any order passed under Section 81(2) of DLR Act, 1954 after 04.06.2010 would be without jurisdiction.

7.3 On behalf of the respondents, it has also been contended that in terms of Section 82 of the DLR Act, 1954, a decree under Section 81 would direct that if the *Bhumidhar* repairs the damage within 03 months next after the decree, the same shall not be executed except in respect of costs, however, no such opportunity to repair the damage on account of use of the land for non-agricultural purposes was given which vitiates the entire action on the part of the appellant and, accordingly, the order dated 24.01.2010 has rightly been set aside by the learned Single Judge by the impugned order.



ISSUES

8. Issues which emerge for our consideration and decision in the instant appeal are as follows:

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;

III. Whether in the facts of the instant case, the Order dated 24.06.2010 passed by the SDM/RA vesting the land in question in *Gaon Sabha* is valid.

DISCUSSION AND FINDINGS

Issue I

9. Admittedly, the land in question used to be “Land” as defined in Section 3(13) of the DLR Act, 1954 as it was held and occupied for purposes connected with agriculture. Further, it was not covered by Section 23 and 24 of the DLR Act, 1954.

10. In terms of Section 2(52) of the DMC Act, 1957, rural area means an area which before establishment of Municipal Corporation was within the local limits of District Board.



11. Section 2(52) of DMC Act, 1957 also states that any portion of rural area shall cease to be included in rural area by virtue of a notification under Section 507 of the said Act. In the instant case, notification under Section 507(a) in respect of the entire village where land in question is situated was issued on 16.05.2017. Accordingly, prior to 16.05.2017 the land in question stood included in “Rural Area” as defined in Section 2(52) of the DMC Act, 1957. We also note that Section 2(61) defines “Urban Area” to mean areas which are not rural areas. In this view, if the land in question is viewed in the light of Section 2(52) read with Section 2(61) of the DMC Act, 1957, it can safely be concluded that the same stood included in “Rural Area” prior to notification dated 16.05.2017 issued under Section 507(a) of the DMC Act, 1957.

12. Section 507 of the DMC Act, 1957 contains provisions according to which, by a notification in the Official Gazette, with the previous approval of the Government, the Municipal Corporation is empowered to declare that any portion of a rural area shall cease to be included in rural area and upon issuance of such notification such portion shall be included in, and shall form part of the urban area. Thus, the only process of urbanization of land as defined in Section 3(13) of the DLR Act, 1954 appears to be found in the DMC Act, 1957 is Section 507.

13. The term “Urbanization” of rural area is not defined anywhere either in the DMC Act, 1957 or the DD Act, 1957. However, cessation of inclusion of any land in rural area and its inclusion in the urban area can be held to be the process of urbanization of any land defined in Section 3(13) of the DLR Act, 1954. There is no other legal process which can be said to be available



for urbanization of any land lying in a rural area, either in the DMC Act, 1957 or the DD Act, 1957.

14. A perusal of the entire scheme of DMC Act, 1957 and DLR Act, 1954 also unambiguously establishes that any land as defined under Section 3(13) of the DLR Act, 1954 will be governed by the provisions of DLR Act, 1954 till such land is included in urban area by way of a notification to be issued under Section 507(a) of the DMC Act, 1957.

15. There are certain consequences which flow from Section 507(b) and 507(c) of the DMC Act, 1957 on inclusion of rural areas in urban areas. One of the consequences is that the Municipal Corporation can exempt rural areas from operation of such provisions of the DMC Act, 1957 as may be deemed fit and further, the Municipal Corporation can levy taxes, rates, fees and other charges in rural areas or any portion thereof, at rates lower than those at which such taxes etc., are levied in urban areas. The Corporation is vested with the power of even exempting such newly included lands in urban areas from any such tax, rate, fee or other charges.

16. The other consequence of a notification under Section 507(a) as given in Section 507(c) of the DMC Act, 1957 is that on such notification the Municipal Corporation is mandated to pay the *Gaon Sabha* an amount equal to the proceed of tax on profession, trades, etc., as and when such tax is levied in the *Gaon Sabha* area and further an amount equal to such portion of proceeds of property taxes on lands and buildings in that area as may from time to time be determined by the Municipal Corporation shall be paid to *Gaon Sabha*.

17. Apart from consequences of notification under Section 507(a) of the DMC Act, 1957 which flow from Section 507(b) and 507(c) of the said Act,



there are certain other consequences also which ensue by operation of Section 150(3) of DLR Act, 1954. Section 150(3) of the DLR Act, 1954 provides that if the entire *Gaon Sabha* area ceases to be rural area, as defined in DMC Act, 1957, by virtue of notification under Section 507 of the DMC Act, 1957, the *Gaon Sabha* constituted for that area shall stand dissolved. It further provides that on such dissolution of the *Gaon Sabha*, all properties and all interests vested in *Gaon Sabha* immediately before such dissolution shall vest in the Central Government with all rights of whatsoever description enjoyed or possessed by the *Gaon Sabha*. The provision further provides that 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* shall be deemed to have been incurred, entered into or engaged to be done with or for the Central Government.

18. Section 150(3) also provides that on dissolution of *Gaon Sabha* by way of notification under Section 507 of the DMC Act, 1957 taxes, rates, fees, rents and other charges which may be due to the *Gaon Sabha* shall be deemed to be due to the Central Government and further that all suits, prosecutions and other legal proceedings instituted or which might have been instituted by *Gaon Sabha*, may be continued or instituted by or against the Union of India. In other words on issuance of a notification under Section 507(a), the *Gaon Sabha* gets dissolved and the Government enters into the shoes of the dissolved *Gaon Sabha* in all respects in relation to rights, interests and liabilities.

19. We may, at this juncture itself, note that the notification dated 16.05.2017 issued under Section 507(a) of the DMC Act, 1957 related to the entire land/area which was earlier included in *Gaon Sabha Goela Khurd*,



Delhi. Thus, the process of urbanization (which means inclusion of rural area in urban area) takes place on a notification to be issued under Section 507(a) of the DMC Act, 1957 with certain consequences as provided in Section 507(b) and 507(c) of the DMC Act, 1957 and also under Section 150(3) of the DLR Act, 1954. Thus, the only process of urbanization of any rural area or land as defined in Section 3(13) of the DLR Act, 1954 is by way of a notification under Section 507(a) of the DMC Act, 1957 which may be deciphered from a perusal of the scheme as given in the DMC Act, 1957 read with the provisions of the DLR Act, 1954.

20. The provisions of Section 150(3)(e) is most relevant to be noted for reflecting upon the correct legal position on the issue involved in this appeal. Sub-Section 3 of Section 150 of DLR Act, 1954 mentions certain consequence of dissolution of *Gaon Sabha* by virtue of a notification issued under Section 507 of the DMC Act, 1957 and such consequences have been enumerated in Sub-clauses (a) to (f). One of the consequences flowing from operation of clause 'e' of sub-Section 3 of Section 150 of DLR Act, 1954 is that the provisions of DLR Act, 1954 shall apply only in relation to lands in a *Gaon Sabha* area, which does not get vested in the Government under clause 'a' of sub-Section 3 of Section 150 of the DLR Act, 1954. It is to be noted that the notification issued in the instant case, under Section 507(a) of DMC Act, 1957 is in relation to the entire *Gaon Sabha* land of *Gaon Sabha Goela Khurd*, and therefore operation of the DLR Act, 1954 got ousted over the entire land of *Gaon Sabha Goela Khurd* which includes the subject land as well on notification dated 16.05.2017 under Section 507(a) of the DMC Act, 1957.



21. As far as the DD Act, 1957 is concerned, the said Act does not specifically contain any process of “urbanization” of land lying in rural area. In this regard, it may be seen that in terms of the provisions contained in Section 1(2) of the DD Act, 1957, the Act extends to the whole of the National Capital Territory of Delhi. It is also to be noted that the DD Act, 1957 has been enacted by the Parliament to provide for development of Delhi according to plan and for matters ancillary or connected thereto.

22. The term “Development” has been defined in Section 2(d) of the DD Act, 1957, which means carrying out of building, engineering, mining or other operations in, on, or under land or making of any material change in any building or land which includes redevelopment. “Development Area” in terms of Section 2(e) of the DD Act, 1957 means any such area declared to be a development area under Section 12(1) of the said Act.

23. Chapter III of the DD Act, 1957 provides for Master Plans and Zonal Development Plans. Section 7 of the said Act mandates the Development Authority to carry out a civic survey and prepare a Master Plan for Delhi which defines various zones into which Delhi may be divided for the purposes of development. The Master Plan also indicates the manner in which the land in each zone is proposed to be used and the stages by which any such development shall be carried out. As per Section 7(2)(b) of the DD Act, 1957, the Master Plan serves as a basic pattern of framework within which zonal development plans may be prepared.

24. Section 8 of the DD Act, 1957 mandates that simultaneous with preparation of Master Plan or as soon as may be thereafter, the Development Authority shall prepare the Zonal Development Plan which *inter alia* may contain a site-plan and use-plan for development and also show locations



and extents of land uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, markets, schools, hospitals etc., and open spaces, both of public and private nature.

25. The Zonal Development Plan, as per Section 8(2)(c), shall also show every area in the zone which may be required to be declared for development or redevelopment. Such Master Plans and Zonal Plans, as may be prepared by the Development Authority, are to be submitted as per the requirement of Section 9, to the Central Government for its approval, whereupon the Government may either approve the plan without modifications or with such modifications as it may consider necessary. The Central Government is even empowered to reject the plan with a further direction to the Development Authority to prepare a fresh plan.

26. One of the requirements in the process of preparation and bringing into operation the Master and Zonal Plans is that before submitting the said plans to the Central Government for approval, the Development Authority shall prepare a draft plan and publish the same, inviting objections and suggestions from public. The Development Authority is also required to give opportunity to every local authority to make any representation in respect of the draft plan and thereafter, on consideration of all objections, suggestions and representations, the Development Authority shall finalise the plan and submit it to the Central Government seeking its approval. Once any such plan finally prepared by the Development Authority is approved by the Central Government, the same, as per Section 11 of the DD Act, 1957, is required to be published with a notice stating that the Master or Zonal Plan, as the case may be, has been approved.



27. As per Section 11 of the DD Act, 1957, such Master or Zonal Plan shall come into operation on the date of its publication with a notice stating that the plan has been approved. What is relevant to be noticed at this juncture is that the Authority, while preparing and finally publishing the Zonal Development Plan, is also required to show every area in the zone which may be declared for development or redevelopment. As such preparation of Zonal Development Plan may take place even before declaration of any area as “Development Area” in terms of Section 12 of the DD Act, 1957.

28. Section 12(3) of the DD Act, 1957 also needs to be noticed, according to which, on commencement of the DD Act, 1957, no development of land can take place in a “Development Area” without permission of such development in writing from the Development Authority. So far as the area other than a Development Area (to be declared under Section 12 of the DD Act, 1957) is concerned, development can take place only on obtaining the approval or sanction for such development from the local authority concerned or any officer or authority of such local authority empowered/authorized in that behalf. Thus, from a perusal of Sections 2(d), 7, 8, 11 and 12 of the DD Act, 1957, the following aspects, that are relevant for the purposes of resolution of the issue involved in this appeal, are clear, which we would like to note:

(a) The object of enactment of the Delhi Development Act, 1957, is to provide for development of Delhi according to plan and for matters connected therewith. Development according to plan indicates putting a check on haphazard development and it is for this purpose that it has been statutorily mandated that in a “development area”, any development can take



place only with the permission to be accorded for the said purpose by the Development Authority and in an area which is not declared as “Development Area” under Section 12, development can take place only on approval or sanction for such development to be accorded by the local authority concerned.

(b) Master and Zonal Development Plans in terms of Section 7 and 8 of the DD Act, 1957 can be prepared and published as per Section 11 even in an area which is not declared to be “Development Area” as per Section 12 of the said Act.

(c) On declaration of “Development Area” as per Section 12 of the DD Act, 1957, no development can take place without permission of the Development Authority in accordance with the provisions of the DD Act, 1957 in any “Development Area”.

(d) In an area which is not declared a “Development Area”, development shall take place only on approval or sanction for such development from the local authority concerned.

29. We may now reflect upon as to what Master and Zonal Plans signify in terms of the provisions contained in the DD Act, 1957.

30. Hon’ble Supreme Court in ***Rajeev Suri v. DDA, (2022) 11 SCC 1***, has discussed in detail the legal framework relating to Master and Zonal Plans and modifications therein. Discussing the provisions of Section 7 and 8 of the DD Act, 1957 in ***Rajeev Suri (Supra)***, it has been observed by the Hon’ble Supreme Court that the Master Plan is meant to delineate various territorial zones within Delhi and manner of land use in each zone and further, the Master Plan acts as a basic framework for the consequent preparation of Zonal Plans. It has further been held that to effectuate the



provisions made in the Master Plan, Zonal Plans are prepared for each zone, which contain a site-plan and use-plan for the development of the zone in conformity with the land use prescribed in the Master Plan. **Rajeev Suri (Supra)**, further holds that Zonal plans manifest micro aspects of decentralized planning which may provide for conditions and restrictions on development as may be needed for proper development of the zone.

31. Thus, the Master Plan can be treated to be a broader blueprint of planned development, whereas the Zonal Development Plan is prepared also for achieving the aim of planned development with a specific site plan and use plan, suitable for particular zones.

32. The question thus, which now needs to be considered by the Court is as to whether on publication of a Zonal Development Plan, in terms of Section 8 read with Section 11 of the DD Act, 1957, the provisions of the DLR Act, 1954 will or will not cease to operate over land defined under Section 3(13) of the DLR Act, 1954.

33. As already noted above, the DD Act, 1957 does not provide for any consequences on publication of Zonal Development Plan in relation to operation of DLR Act, 1954 over the areas which comprise of land as defined in Section 3(13) of the DLR Act, 1954; neither such publication of Zonal Plan provides, as a consequence of such publication, cessation of operation of DLR Act, 1954 over the land comprised in rural areas as defined in Section 2(52) of the DMC Act, 1957.

34. In absence of any provision in law which provides for cessation of operation of DLR Act, 1954 over the land defined in Section 3(13) of the DLR Act, 1954 or over the areas defined as rural areas under Section 2(52)



of the DMC Act, 1957 it is difficult for us to hold that on publication of Zonal / Master Plan, provisions of DLR Act, 1954 shall not operate.

35. Much emphasis was laid on behalf of the respondents on a Single Judge Judgment of this Court in the case of ***Gur Partap Singh v. Union of India, 2004 SCC OnLine Del 269***, to submit that once Zonal or Master Plan is published in respect of a land in rural area, such land no more remains agricultural land within the meaning of Section 3(13) of the DLR Act, 1954 and therefore, on issuance of Zonal Plan under Section 8 read with Section 11 of the DD Act, 1957 the provisions of DLR Act, 1954, to be specific Section 81, will not operate.

36. The facts in ***Gur Partap Singh (Supra)***, were that the owner of the land was refused the permission to construct a motel over the land in respect of which, *vide* Gazette Notification dated 16.06.1995 Master Plan was amended that permitted construction of motels in rural zones with green belts. The land owner in the said case had applied seeking sanction/approval of the building plan for constructing the motel to the Municipal Corporation of Delhi which sanctioned the building plan, however, the SDM concerned, by means of a letter informed the land owner that he was restrained from carrying out any construction since the land use had not been changed as per Section 23 of the DLR Act, 1954. Thereafter, the SDM had started proceedings under the DLR Act, 1954 on the ground that the land had been used for non-agricultural purposes and accordingly, a conditional order was passed restraining the land owner from carrying out any activity relating to construction of the motel.

37. It is in these facts that it was observed by the Single Judge in ***Gur Partap Singh (Supra)***, that since the notification amending the Master Plan



provided that the land in question can be used for constructing a motel and once such option was available and was exercised by the owner of the land, the land was no more being used for agricultural purposes. The Court further observed that once the land is elected to be used by the owner for a motel, permission for which has been granted under the amendment to the Master Plan, by the Municipal Corporation, it will no longer remain agricultural land within the meaning of Section 3(13) of the DLR Act, 1954 and therefore, there was no occasion for the land owner to seek any permission from the authorities concerned under the DLR Act, 1954.

38. So far as the legal proposition as enunciated in *Gur Partap Singh (Supra)* is concerned, there cannot be any quarrel. Any land within the meaning of Section 3(13) of DLR Act, 1954 can be used for the purposes which the Master Plan of the area permits and, in that eventuality, permission under Section 23 of the DLR Act, 1954 from the authorities under the said Act will not be required as the sanction accorded such construction/development by the Municipal Corporation shall suffice the requirement of law. However, the said judgment nowhere holds that on publication of Master/Zonal Development Plans the land shall cease to be land within the meaning of Section 3(13) of the DLR Act, 1954. The judgment only states that on publication of Master/Zonal Development Plan the land within the meaning of Section 3(13) of the DLR Act, 1954 will no more be agricultural land, which means that such land can be used for purposes other than agricultural, as may be permissible as per land use in terms of the Master/Zonal Plan, and therefore, permission under Section 23 of DLR Act, 1954, will not be required. As discussed above, urbanization of a land defined under Section 3(13) of the DLR Act, 1954 takes place only on



issuance of a notification under Section 507(a) of the DMC Act, 1957 with certain consequences as per Section 507(b) and 507(c) of the said Act and also as per Section 150(3) of the DLR Act, 1954.

39. The judgment of the Hon'ble Supreme Court in ***Mohinder Singh v. Narain Singh, (2023) 19 SCC 535***, has also been referred to on behalf of the appellant to assert that once a Zonal Plan prepared under Section 8 of the DD Act, 1957 is published in terms of the requirement of Section 11 of the said Act, the provisions of DLR Act, 1954 will cease to operate. In ***Mohinder Singh (Supra)***, the issue for determination before the Hon'ble Supreme Court was as to whether once a rural area is urbanized by issuance of a notification under Section 507(a) of the DMC Act, 1957, it ceases to be governed by the provisions of DLR Act, 1954 or not. Thus, the question which can be said to have been determined in ***Mohinder Singh (Supra)*** was not in relation to cessation of operation of the DLR Act, 1954 on publication of Master or Zonal Development Plans prepared under Section 7 and 8 of the DD Act, 1954. It is also to be noticed that the judgment under challenge before the Hon'ble Supreme Court in ***Mohinder Singh (Supra)*** passed by a Division Bench of this Court (***Narain Singh v. Financial Commissioner, 2012 SCC OnLine Del 5825***) was based on a law laid down in ***Indu Khorana v. Gram Sabha, 2010 SCC OnLine Del 1334***.

40. The issue, both in ***Mohinder Singh (Supra)*** and ***Narain Singh (Supra)***, was not in relation to cessation of operation of the DLR Act, 1954 on publication of Master or Zonal Development Plan; rather it concerned itself with cessation of operation of DLR Act, 1954 on publication of notification under Section 507(a) of the DMC Act, 1957. For this reason alone, no weight can be extended to the contention of the respondents to the



effect that operation of the DLR Act, 1954 will cease over a land defined in Section 3(13) of the said Act on publication of Zonal Plan prepared under Section 8 and published under Section 11 of the DD Act, 1954.

41. It is also noteworthy that ***Mohinder Singh (Supra)*** notices the provisions of the DD Act, 1957 as well, and also discusses the impact of preparation and publication of Master and Zonal Plans. On such discussion ***Mohinder Singh (Supra)***, concludes that DD Act, 1957 is only for the purpose of development of Delhi according to the Master and Zonal Plans notified under the DD Act, 1957 and for matters related thereto, regardless of the fact whether it is a rural area or urbanized which is for different purposes covered by the provisions of DLR Act, 1954 and DMC Act, 1957 (which have been referred to in the said judgment as 1954 Act and 1957 Act respectively).

42. ***Mohinder Singh (Supra)*** also concludes that once the provisions of DLR Act, 1954 and DMC Act, 1957 are harmonized, what comes out is that once a notification has been published in exercise of powers under Section 507(a) of the DMC Act, 1957 the provisions of DLR Act, 1954 cease to apply and further that proceedings pending under the DLR Act, 1954 become *non-est* and lose its legal significance. Paragraphs 33, 35 and 36 of ***Mohinder Singh (Supra)*** are apposite to be quoted here, which run as under:

“33. At this stage, if we look into the Delhi Development Act, 1957 (hereinafter being referred to as “the DDA Act”), it nowhere makes a distinction in the nature of land whether it is rural or urban, as the case may be. The DDA Act, 1957 is enacted with an object of development of Delhi according to sanctioned plan and for matters ancillary thereto. If we consider the term “development” as defined under Section 2(e) of the DDA Act, it clearly notifies that such of the area which has been declared



to be a development area under Section 12, after publication in the Official Gazette, shall be considered a development area within the purport of the Act and it is a complete code in itself for the purpose of disposal of land. The expression “land” in Section 2(l) is in reference to the Land Acquisition Act, 1894.

35. So far as the DDA Act is concerned, it is only for the purpose of development of Delhi according to the sanctioned master plan and zonal development plan notified under Section 7 of the Act and for matters ancillary thereto regardless of fact whether it is a rural area or urbanised which is for different purposes covered by the provisions of the 1954 Act and the 1957 Act.

36. After harmonising the provisions of the 1954 Act and the 1957 Act, we are of the considered view that once a notification has been published in exercise of power under Section 507(a) of the 1957 Act, the provisions of the 1954 Act cease to apply. In sequel thereto, the proceedings pending under the 1954 Act become non est and loses its legal significance.”

43. Thus, the reliance placed on behalf of the respondents on ***Mohinder Singh (Supra)*** is misplaced for two reasons, firstly the matter in ***Mohinder Singh (Supra)*** related to a notification under Section 507(a) of the DMC Act, 1957 and not in respect of preparation and publication of Master or Zonal Plans under the DD Act, 1957 and secondly, it has been held in ***Mohinder Singh (Supra)***, in clear terms, that DD Act, 1957 is only for the purposes of development according to Master and Zonal Plans regardless of the fact whether it is a rural area or urbanized area which are covered by the provisions of DLR Act, 1954 and DMC Act, 1957.

44. For the aforesaid reason, we do not find that ***Indu Khorana (Supra)***, can be relied on to assert that on publication of the Zonal Plan, the provisions of the DLR Act, 1954 shall cease to operate.

45. Respondents have also relied upon a Single Judge judgment of this Court in the case of ***Shri Neelpadmaya Consumer Products Pvt. Ltd. v.***



Satyabir, 2016 SCC OnLine Del 761. The said judgment by the learned Single Judge has been rendered in a civil suit which was filed for specific performance by the plaintiff on the basis of an agreement to sell in respect of the land situated in village *Goela Khurd*, Delhi. One of the arguments raised on behalf of the plaintiff in ***Shri Neelpadmaya (Supra)*** was that issuance of a notification under Section 507 of the DMC Act, 1957 is not the only process whereby land defined in Section 3(13) of the DLR Act, 1954 can be urbanized; rather even on a notification notifying the Master or Zonal Plan under Section 11 of the DD Act, 1957, such land will become urbanized as a result of which operation of the provisions of DLR Act, 1954 would be ousted.

46. Learned Single Judge in ***Shri Neelpadmaya (Supra)***, while agreeing with such submission raised on behalf of the plaintiff, has held that notification under Section 507 of the DMC Act, 1957 is not the only manner by which land under Section 3(13) can be urbanized. It has further been held that once a Zonal or Master Plan is notified under the DD Act, 1957, such land becomes part of Delhi Town and New Delhi Town and therefore, the land would cease to be agricultural land as it has to be developed as part of the development of Delhi as per Master and Zonal Plans.

47. We, however, may state with respect that we do not find ourselves in agreement with such conclusion drawn by the learned Single Judge in ***Shri Neelpadmaya (Supra)***, for what has been held by Hon'ble Supreme Court in ***Mohinder Singh (Supra)*** and also for the reasons which have been noticed above. Our view which is in contradistinction with the view taken by learned Single Judge in ***Shri Neelpadmaya (Supra)***, is strengthened by the law laid down by Hon'ble Supreme Court in ***Mohinder Singh (Supra)***,



where Hon'ble Supreme Court has clearly held that DD Act, 1957 applies only for the purposes of development according to Master and Zonal Plans regardless of the fact whether it is a rural area or urbanized area which are for different purposes covered by the DLR Act, 1954 and DMC Act, 1957.

48. We may notice another judgment by a learned Single Judge of this Court in ***Sanvik Engg. India (P) Ltd. v. State (NCT of Delhi), (2022) 2 HCC (Del) 165***. By the said judgment, a batch of writ petitions was decided wherein the issue relating to the impact of notifications issued under the DMC Act, 1957 and the DD Act, 1957 on proceedings carried under Section 81 & 82 of the DLR Act, 1954 has been considered in detail. The learned Single Judge in ***Sanvik Engineers (Supra)***, while considering the impact of notifications under Section 507 (a) of the DMC Act, 1957 and Section 11 of the DD Act, 1957 on the proceedings under Section 81 and 82 of the DLR Act, 1954 has culled out four broad situations which are as under:-

“2.

Case No. 1. *Where proceedings have not been initiated and notifications under the DMC/DDA Acts intervene.*

Case No. 2. *Where although proceedings have been initiated or a conditional order made, notifications come to be issued before a final order directing ejection and vesting is passed.*

Case No. 3. *Where the notifications come to be issued after a final order of ejection and vesting comes to be made.*

Case No. 4. *Where a notification comes to be issued during the pendency of an appeal or revision against a final order at the behest of the landholder or Gaon Sabha.”*

49. Since in the instant case the order of vesting the land in question in *Gaon Sabha* was passed on 24.06.2010 under Section 81 of the DLR Act, 1954 and notification under Section 11 of the DD Act, 1957 notifying the zonal plan was prepared under Section 8, which was issued prior to the date



of the said order, i.e., on 04.06.2010, therefore we are concerned with CASE ‘2’ of ***Sanvik Engineers (Supra)***. Here the proceedings under Section 81 were initiated prior to issuance of notification relating to zonal plan on 04.06.2010; however, the final order directing ejectment and vesting was passed subsequent to the said notification, i.e. on 24.06.2010.

50. In ***Sanvik Engineers(Supra)***, conclusions drawn by the learned Single Judge have been summarized in paragraph 84. The conclusions of learned Single Judge in respect of matters falling within the ambit of CASE ‘2’ can be found in paragraph 84 (E)& (F), which are asunder:-

“84. Having traversed this distance and upon consideration of the seminal questions which arose in this batch, the court in summation records its conclusions as follows:

(A)

(B)

(C)

(D.)

(E) While dealing with matters which would fall within the ambit of Case No. 2, it must be held that once notifications come to be issued under the DMC or the DDA Acts, they manifest an unequivocal fact of the land becoming urbanised and no longer falling within the sweep of Section 3(13). The court also bears in mind the indubitable fact that Section 81 is primarily concerned with ensuring that rural land is not diverted to uses other than those specified in Section 3(13). If that be the primary and solitary objective of Section 81, as this Court duly recognises it to be, it would be wholly illogical and incongruous to require the owner or the occupier to restore the land to its agricultural state even though the surrounding area may have become totally urbanised.

(F) Where proceedings have merely reached the stage of initiation or a conditional order having been passed, they must be held liable to be dropped or closed. There would remain no legitimate or useful purpose to continue those proceedings once the aforesaid factual position comes to hold the field. Once the operation of the DLR over the land has drawn to a close, there can be no justification to hold that the proceedings under Section 81 which remain at an inchoate stage and a final order of vesting yet to be passed, to be continued and the occupier compelled to restore the land to its agricultural state.

(G)

(H)



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 (W)
 (X) ”

51. Learned Single Judge has opined in *Sanvik Engineers (Supra)*, that once notifications is issued under the DMC Act, 1957 or DD Act, 1957 the land becomes urbanized, which no longer falls within Section 3 (13) of DLR Act, 1954 and in such a situation where proceedings under Section 81 of DLR Act, 1954 which have merely reached the stage of initiation or a conditional order having been passed, such proceedings must be held liable to be dropped or closed. The learned Single Judge has further observed that there will be no purpose to continue the proceedings under Section 81 of the DLR Act, 1954 once notifications either under DMC Act, 1957 or DD Act, 1957 are issued for the reason that on issuance of such notifications operation of DLR Act, 1954 over such land will be drawn to a close and therefore there cannot be any justification to hold that proceedings under Section 81 of the DLR Act, 1954 which remained inconclusive can be permitted to be continued. Such conclusion as are available in paragraphs



84 (E) & (F) drawn by learned Single Judge in *Sanvik Engineers (Supra)* are primarily based on the law laid down by this Court in *Indu Khorana (Supra)* (a judgment by Division Bench), *Shri Neelpadmaya Consumer Products Pvt. Ltd. (Supra)* (a judgment by Single Judge), *Sanraj Farms (P) Ltd. v. Charan Singh, 2019 SCC OnLine Del 10741*, which is based on *Neelpadmaya Consumer Products Pvt. Ltd. (Supra)*, *Gur Partap Singh (Supra)* (a judgment by Single Judge), *Sushma Kapoor v. Govt. of Nct of Delhi, 2021 SCC OnLine Del 5170*, which is based on *Gur Partap Singh (supra)* etc.

52. All the aforesaid judgments have already been noticed and discussed by us in the preceding paragraphs. We have also referred to the judgment of the Apex Court in *Mohinder Singh (Supra)*, wherein the provisions of DD Act, 1957 have been discussed. *Mohinder Singh (Supra)* approves the view expressed by the Division Bench of this Court in *Indu Khorana (Supra)*, which is a matter in relation to notification under Section 507 (a) of the DMC Act, 1957 and not in relation to notification of zonal plan under Section 11 of the DD Act, 1957 as prepared under Section 8. The Apex Court in *Mohinder Singh (Supra)*, has also held that so far as provisions of the DD Act, 1957 are concerned, they are only for the purpose of development of Delhi according to Master and Zonal Plan regardless of the fact whether area concern is rural area or urbanized area, which is for different purposes covered by the provisions of DLR Act, 1954 and DMC Act, 1957. For the reason of what has been held in *Mohinder Singh (Supra)* by the Hon'ble Supreme Court and also for all other reasons given above, we, with respect, do not concur with the conclusions drawn by



learned Single Judge in paragraph 84 (E) and (F) of *Sanvik Engineers(Supra)*. 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, 1957 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(a) of DMC Act, 1957 shall be deemed to be due to the Central Government.

D. The provisions of the DLR Act, 1954 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, 1957 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 Plans prepared under Section 7 & 8 of the said Act respectively, operation of provisions of DLR Act, 1954 including Section 81 & 82 does not come to a halt. Operation of the DLR Act, 1954 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, 1954 gets vested in the Government. Section 150(3)(e) of the DLR Act, 1954 makes it unambiguously clear that provisions of DLR Act, 1954 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, 1954 and accordingly in our opinion notification under Section 11 of the DD Act, 1957 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, 1954. The provisions of the DLR Act, 1954 cease to operate only in respect of land which gets vested in the Government as per consequence flowing from Section 150(3)(a) of the DLR Act, 1954.

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, 1954 on issuance of a notification under Section 507(a) of



the DMC Act, 1957. As already concluded above, the consequence of vesting of land in the Government by operation of Section 150(3)(a) of the DLR Act, 1954 results in cessation of operation of the DLR Act, 1954 in relation to land vested in the Government, as per Section 150(3)(e) of the DLR Act, 1954. This is the most vital consequence for the purposes of resolution of 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.

Issue III

54. The order by the SDM/RA vesting the land in question in *Gaon Sabha* was passed on 24.06.2010. The notification under Section 11 of the DD Act, 1957 notifying the Zonal Plan prepared under Section 8 of the said Act was issued prior to the said order, i.e. on 04.06.2010. We may also note that notification under Section 507(a) of the DMC Act, 1957 was issued on 16.05.2017. Thus, for the reasons given and discussions made above, the operation of the DLR Act, 1954 would not cease, in the instant case, on issuance of notification relating to Zonal Plan on 04.06.2010; rather, the DLR Act, 1954 will cease to operate w.e.f. 16.05.2017, which is the date on which the notification under Section 507(a) of the DMC Act, 1957 was issued. Accordingly, it cannot be said that on the date the SDM/RA passed the order dated 24.06.2010 vesting the land in question in *Gaon Sabha*, he did not have jurisdiction to proceed with the proceedings under Section 81 of the DLR Act, 1954 that were instituted prior to issuance of notification under Section 11 of the DD Act, 1957 notifying the Zonal Plan prepared under Section 8 i.e., prior to 04.06.2010. Since the proceedings were



instituted/initiated under Section 81 of the DLR Act, 1954 and the order of vesting was passed prior to issuance of notification under Section 507(a) of the DMC Act, 1957 i.e., prior to 16.05.2017, in our considered opinion the order dated 24.06.2010 passed by the SDM/RA was well within his legal authority and power for the reason that on the said date the provisions of DLR Act, 1954 cannot be said to have ceased to operate in relation to land in question.

55. Accordingly, we conclude that the order dated 24.06.2010 passed by the SDM/RA has validly been passed by the him and, therefore, no interference was warranted by the learned Single Judge in the said order while passing the impugned order dated 07.03.2023, while deciding the W.P.(C) 5517/2020.

56. There is yet another reason why we have formed an opinion that interference in the order dated 24.06.2010 passed by the SDM/RA was not called for by the learned Single Judge while deciding the underlying writ petition. The respondents or their predecessors in interest did not challenge the order of vesting dated 24.06.2010 passed by the SDM/RA by taking recourse to the legal remedies available to them under Section 185 of the DLR Act, 1954 prior to instituting the first writ petition, namely W.P.(C) 11217/2018. It is also to be noticed that during the intervening period of eight long years when the first writ petition was filed by the respondents, the land in question was already allotted to the Directorate of Education, GNCTD for setting up a School. No plausible cause, much less sufficient cause, could be shown by the respondents not challenging the order passed by the SDM/RA dated 24.06.2010 for eight years, resulting in inordinate



delay and laches, and thus on this count as well, we are of the opinion that the underlying writ petition instituted by the respondents challenging the order dated 24.06.2010, ought not to have been entertained.

57. For all the above reasons above, we find sufficient force in the instant Letters Patent Appeal. Resultantly, the appeal is allowed, and the judgment and order dated 07.03.2023 passed by the learned Single Judge in W.P.(C) 5517/2020 is hereby set aside. Consequences to follow.

58. Pending applications, if any, shall stand disposed of.

59. No orders as to costs.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TEJAS KARIA)
JUDGE

AUGUST 11, 2026
N.Khanna/MJ/S.Rawat