

Shri Mahesh Kumar & Anr.
vs.
Shri Dharampal

18.12.2025

Present : Shri Naveen Tyagi, Counsel for Petitioners.
: Shri Naresh Kr. Bhatti, Counsel for Respondent.

1. Counsel for Petitioners contended that the Petitioners are co-sharers in the ancestral residential and agricultural land of Late Neki Ram (grandfather of petitioners) in Village Jharoda Kalan, Delhi. In 1990, Respondent Dharam Pal filed a suit under Section 85 of the DLR Act against Petitioners (sons of Neki Ram) seeking declaration of bhumidhari rights over Khasra No. 02/25/2 (2-5) in the said village Jharoda Kalan. The SDM granted status quo and injunction on 24.05.1990 restraining interference with Petitioner's possession. During pendency, petitioner's father Late Sh. Mange Ram & Late Sh. Suraj Bhan died on 29.10.1998 and 09.12.2004, leading the petitioners to seek abatement of the respondent's suit (filed before the SDM) under Order 22 Rule 4(3) CPC for failure to bring legal heirs on record. In response, respondent herein applied under Section 5 of the Limitation Act for condonation of delay (citing jail time and procedural ignorance) and filed an application under Order 22 Rule 4 to update legal heirs. Resultantly, the SDM (Najafgarh) allowed the suit of the respondent herein u/s 85 of Delhi Land Reforms Act, 1954 for bhumidari right in r/o land bearing Khasra No. 02/25/2 (2-5) vide order dated 04.11.2022.
2. It has been further contended by the Petitioner that though the latest Patwari report names Petitioners as owners, Respondent retains cultivatory possession. Despite this, the Petitioners' appeal was dismissed by DM, Kapashera vide order dated 28.10.2024 on the basis of urbanization of said village Jharoda Kalan on 20.11.2019. Hence, the present revision petition has been filed under Section 72, Delhi Land Revenue Act, 1954 seeking quashing of the impugned orders dated 04.11.2022 passed by the SDM (Najafgarh) and order dated 28.10.2024 passed by DM (S-W) on the

ground that even when the said village Jharoda Kalan is covered under LDRA notified on 18.06.2013 and also stands urbanized 20.11.2019, the SDM concerned had passed the impugned order dated 04.11.2022 ignoring the written documents dated 10.09.2000 in favour of Petitioners and also lacks jurisdiction to pass the same.

3. Counsel for Respondent did not have anything to argue except that this Court also does not have the jurisdiction to entertain the present revision petition after urbanization of the village in 2019.
4. Keeping in view the contentions raised by both the parties, this Court is of the considered view that after the said village 'Jharoda Kalan' stands covered by LDRA notification dated 18.06.2013 and subsequently by urbanization notification dated 20.11.2019, the revenue authorities cease to have jurisdiction in terms of the orders/judgments dated 3rd February, 2016 passed by the Hon'ble High Court of Delhi in case titled ***M/s. Shri Neelpadmaya Consumer Products Pvt. Ltd. Vs Sh. Satyabir @ Satbir & Ors.*** & judgment dated 10th April, 2023 in case titled ***Rajeev Shah (Deceased) through LR Gayatri Shah Vs. Government of NCT of Delhi & Ors.***, as well as judgment dated 14th March, 2023 passed by the Hon'ble Supreme Court of India in case titled ***"Mohinder Singh (Dead) through LRs and Another Vs. Narain Singh and Others".***
5. Accordingly, the revision petition bearing no. 154/2025 titled ***Shri Mahesh Kumar & Anr. Vs. Shri Dharampal*** is disposed of in terms of the above with the liberty to the Petitioner to approach the appropriate forum in accordance with the law.
6. As requested by the Counsel for Petitioners, copy of this order be given dasti.
7. File be consigned to record room after completion.

(PRASHANT GOYAL)
Financial Commissioner
Delhi