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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 31.07.2026***Judgment delivered on: 18.08.2026.***

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CNR No. DLHC010540562024

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LPA 792/2024**DR.HANS U NAGAR****.....Appellant**

Through: Mr. Rajesh Yadav, Sr. Adv. with
Mr.Arun K. Sharma and Mr. Amiet
Andlay, Advs.

versus**SUSHMA AGGARWAL & ANR.****.....Respondents**

Through: Mr.Uttam Datt, Sr. Adv. with
Mr.Manish Tiwari, Ms.Sonakshi
Singh, Mr.Naman Kumar and
Mr.Khauja Umair, Advs. for R-1.
Mr. Tushar Sannu, Adv. with
Mr.Parvin Bansal, Adv. for GNCTD.
Mr. Gautam Narayan, Sr. Adv. with
Mr. Ujjwal Kumar, Adv. for R-5 &
R-6.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****ORDER****DEVENDRA KUMAR UPADHYAYA, C.J.****C.M. APPLs.60708/2025 , 11439/2026 & 11440/2026**

1. Heard the learned Senior Counsel for the appellant, learned Senior



Counsel representing the respondent no.1, who has preferred C.M.APPL. 60708/2025 seeking vacation of the order of status quo passed by this Court in this appeal on 14.08.2024, as also the learned Senior Counsel representing the respondent no.5 and respondent no.6, who have also filed C.M. APPL. 11440/2026 and C.M.APPL.11439/2026 respectively, seeking vacation of the order of status quo dated 14.08.2024.

2. This intra-Court appeal has been preferred by the appellant against the judgment dated 15.04.2024 passed by the learned Single Judge in W.P.(C) No. 15040/2023, whereby challenge made by the respondent no.1 to the order dated 15.06.2022 passed by the Sub-Divisional Magistrate (SDM) Mehrauli vesting the land in question in *Gaon Sabha* under Section 81 of the Delhi Land Reforms Act, 1954 (hereinafter referred to as DLR Act), has succeeded and the order dated 15.06.2022 has been quashed. By the impugned judgment, the conditional order dated 06.01.2020 passed by the SMD has also been quashed.

3. This Court, while entertaining the appeal, issued notices to the respondents *vide* order dated 14.08.2024 and further directed that, in the meanwhile, the respondent nos.2 to 4 shall maintain status quo as was obtaining on the said date. The respondent no.1 has filed C.M. APPL.60708/2025 with the prayer to vacate the order of status quo order dated 14.08.2024. Similarly, applications bearing C.M. APPL. 11440/2026 and C.M.APPL.11439/2026 have been preferred by the respondent no.5 and respondent no.6 respectively, also seeking vacation of the order of status quo dated 14.08.2024.

4. We may also notice that the order of status quo dated 14.08.2024 was challenged by the respondent no.1 before the Hon'ble Supreme Court by



instituting the proceedings of **SLP(C) No.27051/2025**, which has been disposed of without making any interference in the SLP, however with an observation that application for vacation of the order dated 14.08.2024 may be taken up by this Court without being influenced by the pendency of the reference for decision on certain issues before the Larger Bench of this Court.

5. The issue, which engaged the attention of the learned Single Judge in the underlying writ petition, was as to whether, on a notification issued under Section 507(a) of the Delhi Municipal Corporation Act, 1957 (hereinafter referred to as DMC Act), the provisions of DLR Act shall cease to apply and the proceedings pending thereunder would be *non est* in law. The learned Single Judge, while passing the impugned judgment, has relied upon a judgment of the Hon'ble Supreme Court in **Mohinder Singh (Dead) Through LRs and Anr. vs. Narain Singh and Ors** [2023 SCC OnLine SC 261] and has held that the conditional order dated 06.01.2020 and the final order vesting the land in *Gaon Sabha*, dated 15.06.2022, passed by the SDM were *non est* for the reason that before passing of the said order a notification under Section 507(a) of the DMC Act was issued on 20.11.2019.

6. The issue regarding the fate of the proceedings under the DLR Act (which would also include proceedings under Section 81 of the said Act) on notification under Section 507(a) of the DMC Act has been referred for decision to a Larger Bench *vide* an order dated 13.05.2024 passed by the learned Single Judge of this Court. A Bench of three Hon'ble Judges of this Court has been constituted to hear the said reference in O.REF. 1/2024 [**Court On Its Own Motion v. Nemo**]. The proceedings of the said reference



have commenced by the Full Bench of this Court, and notices were issued to all concerned by the said Full Bench *vide* an order dated 24.01.2025. It is in the background of the said reference that the Hon'ble Supreme Court appears to have directed that the application for vacation of the order of status quo dated 14.08.2024 shall be considered uninfluenced by the pendency of the reference before the Larger Bench.

7. Accordingly, we proceed to consider the aforesaid applications, whereby vacation of the order of status quo dated 14.08.2024 has been sought by the respondent no.1, respondent no.5 and respondent no.6.

8. Certain facts need to be noted at this juncture:-

8.1 The subject matter under discussion here is land comprised in Khasra no.170/5, 171/2, 171/3, 184/1, & 185/1, situated in revenue estate of Village Gadaipur, New Delhi, which undisputedly was owned by one Ms.Ida Nagar. The said landowner died on 17.02.2007, leaving behind her three sons namely (1) Dr.Hans Nagar (appellant herein), (2) Mr.Ronald Nagar (predecessor in interest of respondent nos.1, 5 and 6) and Mr.John Nagar. On the demise of Ms.Ida Nagar, one of her sons, Mr.John Nagar instituted CS(OS) 666/2008 before this Court, impleading his other brothers as parties to the said suit. A Memorandum of Understanding is said to have been signed among these three brothers, who are the legal heirs of Ms.Ida Nagar, on 15.09.2011, on the basis of which a settlement decree was passed on 12.04.2012 by this Court in CS(OS) 666/2008.

8.2 The said settlement decree dated 12.04.2012, however, has been challenged by Dr.Hans Nagar (the appellant) by instituting the proceedings of FAO(OS) 3/2019, which is pending consideration before this Court.

8.3 According to the settlement decree, out of nine farm lands, farm land



no.5 came in the share of Mr.Ronald Nagar, who, as observed above, is the predecessor in interest of respondent nos.1, 5 and 6.

8.4 The notification dated 20.11.2019 was issued under Section 507(a) of the DMC Act, as a result of which the land vested in the village concerned ceased to be included in the Village. Thereafter, land comprising farm no.5 was transferred by Mr.Ronald Nagar in favour of respondent no.1 *vide* a sale deed dated 27.12.2019, which has been challenged by the appellant – Dr.Hans Nagar by instituting the proceedings of CS(OS) 236/2021 before this Court, which is also pending. The respondent no.1 thereafter transferred the land of farm no.5 by way of executing sale deed on 30.08.2024 in favour of the respondent nos.5 & 6. After the land of farm no.5 was transferred by Mr.Ronald Nagar in favour of respondent no.1 and before respondent no.1 transferred the said land in favour of the respondent nos.5 & 6, in proceedings under Section 81 of DLR Act, an order was passed by the SDM on 15.06.2022 making absolute the conditional order dated 06.01.2020 and vesting the land in *Gaon Sabha*. It is these orders dated 06.01.2020 and 15.06.2022 passed by the SDM, which were under challenge before the learned Single Judge in the underlying writ petition, which has been allowed by the impugned judgment.

9. In the aforesaid background facts, it has been argued on behalf of the respondent nos.1, 5 and 6 that the appellant in fact does not have any concern with the land comprised in farm land no.5 for the reason that the said land came in the share of Mr.Ronald Nagar (the predecessor in interest of the respondent nos.1, 5 and 6) by virtue of the settlement decree dated 12.04.2012 passed in CS(OS) 666/2008. It has also been argued that the



appellant has challenged the said settlement decree dated 12.04.2012 by instituting the proceedings of FAO (OS) 3/2019, which is pending consideration before this Court.

10. The respondent nos.1, 5 and 6 have also argued that the sale deed executed by Mr.Ronald Nagar in favour of respondent no.1 has been challenged by the appellant – Dr.Hans Nagar in the proceedings instituted by him of CS(OS) No.236/2021 and, therefore, till the settlement decree dated 12.04.2012 passed by this Court in CS(OS) 666/2008 is intact and is not varied or rescinded, the appellant does not have any concern with the subject land and hence he lacks the locus to file the intra-Court appeal challenging the impugned judgment passed by the learned Single Judge.

11. On the other hand, learned senior counsel for the appellant has submitted that once the notification under Section 507(a) of the DMC Act is issued, there are certain consequences, which ensue by operation of Section 150(3) of the DLR Act and one of the consequences is that all suits or prosecutions and other legal proceedings instituted or which might have been instituted by or against *Gaon Sabha* may be continued or instituted by or against the Union of India. Reliance in this regard on behalf of the appellant has been placed on the provisions of Section 150(3)(d) of the DLR Act. It is thus the submission of the learned counsel for the appellant that in view of the provisions contained in Section 150(3) of the DLR Act, which was inserted in the Principal Act w.e.f. 07.04.1958 to give effect to the provisions of the DMC Act, which was enacted in 1957, it cannot be said that the proceedings under Section 81 of the DLR Act, which were instituted prior to the issuance of notification under Section 507(a) of the DMC Act, shall abate or they shall be rendered *non est*. Emphasis in this regard by the



learned Senior Counsel for the appellant is based on Section 150(3)(d) of the DLR Act.

12. It is thus his submission that since in view of the provisions of Section 150(3)(d) of DLR Act, it cannot be said that the order passed by the SDM on 15.06.2022 vesting the land in *Gaon Sabha* was without jurisdiction or void or *non est* and, therefore, the appellant, who has sufficient interest in the land in question has locus to file the instant intra-Court appeal.

13. We have considered the submissions made on behalf of the parties for and against the vacation of the order of status quo dated 14.08.2024.

14. The learned Single Judge has relied upon the judgment of Hon'ble Supreme Court in ***Mohinder Singh (supra)***, where in para 36 the judgment, it has been held that once a notification has been published in exercise of power under Section 507(a) of DMC Act, the provisions of DLR Act shall cease to apply as a result of which the proceedings pending under DLR Act shall become *non est* and lose its legal significance. However, when we peruse the judgment rendered by the Hon'ble Supreme Court in ***Mohinder Singh (supra)***, what we notice is that the provisions of Section 150(3) with all its sub-Sections do not find mention or consideration in ***Mohinder Singh (supra)***. We also notice that the issue as to whether on issuance of notification under Section 507(a) of the DMC Act, the provisions of the DLR Act would cease to operate and proceedings pending thereunder would be *non est* in law, and parties would be relegated to avail remedy of ordinary civil law, stands referred to the Larger Bench of this Court.

15. Another issue which is engaging the attention of the Larger Bench of this Court as per the reference is as to what would be the remedy available to various stakeholders, who are, on the date of notification under Section



507(a) of DMC Act, at the different stages of the proceedings contemplated under DLR Act, 1954.

16. Accordingly, we are of the opinion that the appeal may be decided finally once the questions referred for decision of the Larger Bench are answered. However, when we consider the prayer seeking vacation of the order of status quo dated 14.08.2024 passed by this Court in this appeal what we notice is that the land in question had gone in the share of Mr. Ronald Nagar, who is the predecessor in interest of respondent nos.1, 5 and 6, as per the settlement decree passed by this Court on 12.04.2012 in CS(OS) No.666/2008. Though the said settlement decree has been challenged by Dr. Hans Nagar – appellant herein, by instituting FAO(OS) 3/2019, however, we are of the opinion that unless the said settlement decree dated 12.04.2012 is varied or set aside or rescinded, in respect of a *lis* concerning vesting of the land in *Gaon Sabha*, prima facie the appellant will not have locus.

17. As a matter of fact the grievance against the impugned judgment dated 15.04.2024 passed by the learned Single Judge, if any, would be with the *Gaon Sabha* i.e., State Government/Central Government, for the reason that on a notification issued under Section 507(a) of the DMC Act, by operation of Section 150(3)(a) of DLR Act, the properties moveable or immovable and all interests of whatsoever nature in such properties held in *Gaon Sabha* shall vest in the Central Government. In this view, if the order of vesting passed by the SDM has been set aside, it may be either the *Gaon Sabha* or the Central Government or the State Government, as the case may be, who may have any grievance. Interestingly, in the instant case, the State Government has not preferred any intra-Court appeal challenging the order dated 15.04.2024 passed by the learned Single Judge; neither the Central



Government has challenged the said order.

18. The rights in the subject land at present appears to be the subject of FAO(OS) 3/2019, which has been instituted by the appellant challenging the settlement decree dated 12.04.2012. However, ultimately what would be decided in the said FAO is the *inter se* title dispute between the appellant, Mr.Ronald Nagar-the predecessor in interest of respondent nos.1, 5 and 6 and Mr.John Nagar. The said appeal would not decide the right of the appellant qua vesting of the land in *Gaon Sabha* or the Central Government. Assuming that FAO(OS) 3/2019 filed by the appellant is allowed and the settlement decree dated 12.04.2012 is set aside, still by virtue of the order of vesting passed by the SDM, the appellant cannot be declared to be the title holder. In the event of FAO (OS) 3/2019 being decided in favour of the appellant, he can hold the land only if the order of vesting passed by the SDM is set aside and since the impugned order passed by the learned Single Judge sets aside the order of vesting passed by the SDM, in our opinion having regard to the factual position obtaining as on date, the appellant *prima facie* does not appear to have any locus to file the instant intra-Court appeal.

19. Accordingly, the order of status quo dated 14.08.2024 passed by this Court is vacated.

20. The applications are, accordingly, disposed of.

LPA 792/2024

21. Having disposed of the aforesaid applications, we are of the opinion that the Government of India needs to be impleaded as a party respondent in this appeal for the reason that on issuance of notification under Section 507(a) of DMC Act on 20.11.2019, the *Gaon Sabha* stood dissolved by



operation of Section 150(3) of the DLR Act and the properties which stood vested in the *Gaon Sabha* concerned before its dissolution, would vest in the Central Government in terms of the provisions contained in Section 150(3)(a) of the DLR Act.

22. Accordingly, the Union of India through Secretary, Ministry of Housing and Urban Affairs and the Land and Development Office, Ministry of Housing and Urban Affairs, Government of India be impleaded as party respondents nos.7 and 8 respectively.

23. Learned counsel for the appellant shall file an amended memo of parties within a week from today.

24. Let notice of this appeal be issued to the newly impleaded respondent nos.7 & 8, for which steps shall be taken by the appellant within ten days from today.

25. List on 27.10.2026.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TEJAS KARIA)
JUDGE

AUGUST 18, 2026
S.Rawat