



2025:DHC:7876-DB



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

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Judgment reserved on: 25.08.2025

Judgment pronounced on: 10.09.2025

+ CONT. CAS(C) 725/2023, CM APPL. 28374/2023, CM APPL. 65000/2023 & CM APPL. 72694/2024

SH KRISHAN LAL DECEASED THROUGH LRS

.....Petitioner

Through: Mr. Vivek Chib, Senior Advocate along with Mr. Vikhyat Oberoi, Ms. Nishita Gupta, Mr. Ravi Sharma, Mr. Shivam Prakash, Ms. Mansi Gupta & Mr. Sidharth Sunil, Advocates.

versus

RAJINDER KUMAR GUPTA & ORSRespondents

Through: Mr. Manish Vashisht, Senior Advocate with Mr. Vedansh Vashisht, Mr. Ankur and Mr. Swapan Singhal, Advocates for R-1.

Mr. V.P. Rana, Mr. Nirmalaya Shukla and Mr. Rohit Mathur, Advocates for R-2 & R-3.

+ LPA 746/2014, CM APPL. 18794/2014, CM APPL. 3513/2015, CM APPL. 9925/2020, CM APPL. 9926/2020, CM APPL. 43007/2022, CM APPL. 28594/2023, CM APPL. 43708/2023, CM APPL. 64999/2023, CM APPL. 65001/2023, CM APPL. 41169/2024, CM APPL. 72695/2024 & CM APPL. 48639/2025

RAJINDER KUMAR GUPTA & ANRAppellants

Through: Mr. V.P. Rana, Mr. Nirmalaya Shukla and Mr. Rohit Mathur, Advocates for A-1.1 & A-1.2

Mr. A.K. Singla, Senior Advocate with Mr. Abhimanyu



2025 :DHC :7876-DB



Khatri, Mr. Keshav Monga, Ms. Sayantani Basak, Mr. Sahil Kumar, Mr. Rohan Sehrawat & Mr. Arun Kumar, Advocates for A-2.

versus

KRISHAN LAL & ORS

.....Respondents

Through: Mr. Vivek Chib, Senior Advocate along with Mr. Vikhyat Oberoi, Ms. Nishita Gupta, Mr. Ravi Sharma, Mr. Shivam Prakash, Ms. Mansi Gupta & Mr. Sidharth Sunil, Advocates for LR's of R-1.
Mr. D.V. Khatri & Ms. Kalpana, Advocates for R-2.
Ms. Smita Maan & Mr. Vishal Maan, Advocates for R-3 & R-4.

+ LPA 803/2014, CM APPL. 20912/2014, CM APPL. 9929/2020 & CM APPL. 9931/2020

BALJEET SINGH THROUGH LRS

.....Appellant

Through: Mr. D.V. Khatri & Ms. Kalpana, Advocates.

versus

KRISHAN LAL THROUGH LRS

.....Respondents

Through: Mr. Vivek Chib, Senior Advocate along with Mr. Vikhyat Oberoi, Ms. Nishita Gupta, Mr. Ravi Sharma, Mr. Shivam Prakash, Ms. Mansi Gupta & Mr. Sidharth Sunil, Advocates for LR's of R-1.



2025:DHC:7876-DB



Ms. Smita Maan & Mr. Vishal Maan, Advocates for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

ANIL KSHETARPAL, J.

1. This Court, after having considered the matter in light of statutory framework, is of the view that the matter is required to be remitted to the Competent Authority to complete the identification exercise as already mandated by the orders passed on 31.03.1971 and 09.12.1983. However, before doing so, it is necessary to delve into the factual aspects, particularly in view of the judgment dated 15.10.2014 [hereinafter referred to as the “Impugned Judgment”] passed by the learned Single Judge in W.P.(C) No. 175/1997, while allowing the writ petition.

2. The present two Letters Patent Appeals, LPA 746/2014 and LPA 803/2014, preferred under Clause 10 of the Letters Patent and the Delhi High Court Rules and Orders, assail the correctness of the Impugned Judgment *vide* which the learned Single Judge allowed the writ petition filed by the legal heirs of the Respondent (original Petitioner before the learned Single Judge) late Shri Krishan Lal, and *inter alia* set aside the appellate/revisional directions issued by the Revenue authorities — notably the order of the Additional Collector dated 26.06.1995 and the orders of the Financial Commissioner dated 19.12.1995 and 02.02.1996 — and restored the earlier order dated



01.05.1995 passed by the Settlement Officer (Consolidation) [hereinafter referred to as “S.O.(C)”]. By doing so, the learned Single Judge directed the competent authority to execute the decree in favour of late Shri Krishan Lal by effecting delivery of possession of the land identified in lieu of Khasra No.1/203 of village Holambi Kalan, Delhi.

3. Since both these Appeals stem from the same Impugned Judgment and arise out of an identical factual matrix involving overlapping parties, land parcels, and common questions of law, they were heard together along with a connected contempt petition being CONT.CAS(C) 725/2023, wherein allegations have been made regarding wilful violation of interim ‘*status quo*’ orders passed during the pendency of LPA 746/2014. All three matters are, therefore, being disposed of by way of this common judgment.

FACTUAL MATRIX

4. For a proper appreciation of the controversy, it is necessary to traverse the long trajectory of litigation spanning nearly six decades. The *lis* has its genesis in the early consolidation proceedings initiated in Village Holambi Kalan, Delhi, wherein the proprietary holdings of land were subjected to redistribution under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 as extended to Delhi [hereinafter referred to as “Consolidation Act”]. The subject matter of the dispute is a parcel of agricultural land bearing Khasra No.1/203, admeasuring 46 bighas and 14 biswas, in its pre-consolidation form. Late Shri Krishan Lal, while initiating the proceedings, asserted that he, along with one Shri Mithun, was in



possession of the said land as occupancy tenants since prior to the coming into force of the Delhi Land Reforms Act, 1954 [hereinafter referred to as “DLR Act”] and had been unlawfully dispossessed by the then proprietors, namely Shri Baljeet Singh, Shri Ram Sarup, and Shri Jai Lal and hence, sought its restoration on 18.07.1955. It is not in dispute that the aforesaid proprietors were recorded owners prior to consolidation and were subsequently allotted new chaks/khasra numbers in lieu of their original holdings during consolidation proceedings.

5. The application, although filed against unnamed recorded owners, did not originally array the proprietors by name. The Revenue Assistant *vide* order dated 23.05.1958, dismissed the application on the grounds of maintainability. The appeal against the said order was dismissed by the Additional Collector (Revenue) on 18.03.1959. However, in second appeal, the Chief Commissioner of Delhi, by a detailed order dated 18.08.1961, set aside the concurrent orders and remanded the matter for adjudication on merits, holding that the identity of the recorded owners was ascertainable from the revenue khataunis. Pursuant to the said directions, Shri Baljeet Singh, Shri Ram Sarup, Shri Jai Lal, and the Umrao Cooperative Joint Farming Society Ltd. were impleaded as Respondents in the proceedings.

6. While the proceedings under Section 18(2) of the DLR Act were pending, Smt. Hardei, claiming independent rights, obtained a civil court decree dated 25.08.1969 declaring her to be the bhoomidhar of, *inter alia*, Khasra No.1/203 (46-14). Subsequently, on 28.02.1970, the Revenue Assistant passed an order declaring her as



bhoomidhar in respect of the said land, and her name was duly mutated in the revenue records. It is significant to note that Smt. Hardei was not impleaded as a party in the Section 18(2) of the DLR Act proceedings at any point prior to the final adjudication by the Revenue Assistant on merits.

7. By a speaking order dated 31.03.1971, the Revenue Assistant held that late Shri Krishan Lal and Shri Mithun were joint tenants in equal shares of Khasra No. 1/203 measuring 46 bighas 14 biswas. Since Shri Mithun did not press his claim, late Shri Krishan Lal was declared entitled to repossession of 23 bighas 7 biswas, being his half share, from the recorded proprietors — Shri Baljeet Singh, Shri Ram Sarup, and Shri Jai Lal. Noting that consolidation proceedings were then ongoing, and new khasra numbers had been allotted in lieu of the original plot, the Revenue Assistant did not draw a final executable order. Instead, he forwarded the matter to the S.O.(C) with the following specific directions:

- i. to consult the settlement/consolidation records and report which specific plots had been allotted in lieu of the petitioner's half share in Khasra No.1/203;
- ii. to annex a Shajra Aks (field map) and Fard (field extract) with the report; and
- iii. that a formal decree would be drawn only upon receipt of the S.O.(C)'s report and subsequent orders.

8. Aggrieved by the Revenue Assistant's order dated 31.03.1971, both parties preferred appeals, which were dismissed on 18.07.1977



2025:DHC:7876-DB



by the Additional District Magistrate (Revenue) [hereinafter referred to as 'ADM']. On further challenge, the Financial Commissioner, by order dated 22.06.1979, affirmed the ADM's decision. Consequently, late Shri Krishan Lal was held entitled to restoration of possession of 23 bighas 7 biswas, subject to the identification of the corresponding land in the post-consolidation record by the S.O.(C), and the drawing of a formal order thereafter.

9. Following the conclusion of consolidation, instead of complying with the directions issued in the order dated 31.03.1971, the then S.O.(C) passed an order on 03.07.1985 purporting to deliver possession of land measuring 23 bighas 7 biswas out of the holdings of Shri Baljeet Singh in execution of the Revenue Assistant's order. However, this was done without conducting the requisite identification exercise, without reference to consolidation records, and without furnishing the mandated Shajra Aks or Fard. In the meantime, by registered sale deeds dated 19.06.1985, Shri Baljeet Singh sold parcels of land to Shri Rajinder Kumar Gupta and (late) Smt. Kanta Gupta, comprising Khasra Nos.24/6 (2-08), 24/15/1 (2-16), 25/9 (3-17), 25/10 (4-16), 25/1 (5-02), and 24/5 (4-16). These transfers were subsequently mutated in the purchasers' names. The municipal authorities approved construction plans, and occupation certificates were issued on 29.08.1989.

10. In challenge to the S.O.(C)'s order dated 03.07.1985, the Financial Commissioner, by order dated 28.04.1986, set aside the same and remanded the matter to S.O.(C) with directions to evaluate the land and determine which portions could be earmarked and



deducted from the holdings of Shri Baljit Singh, Shri Ram Sarup, and Shri Jai Lal in proportion to their respective ownerships, for being allotted to late Shri Krishan Lal. The Financial Commissioner further directed that the concerned landowners be given an opportunity to indicate their preferences regarding the land to be surrendered, and that the entire exercise be carried out strictly in terms of the protocol laid down in the Revenue Assistant's original order dated 31.03.1971.

11. The orders dated 03.07.1985 [passed by the S.O.(C)] and 28.04.1986 [passed by the Financial Commissioner] were thereafter challenged before this Court by way of W.P.(C) No. 463/1987. By a consent order dated 09.12.1987, the learned Single Judge (P.K. Bahri, J.) quashed both the impugned orders and reaffirmed the procedural directions originally issued by the Revenue Assistant on 31.03.1971. The learned Single Judge directed that the S.O.(C), after affording an opportunity of hearing to all concerned parties and permitting them to lead evidence, was to consult the consolidation and settlement records, identify the land corresponding to the petitioner's share in Khasra No.1/203, and thereafter submit a report along with the Shajra Aks and Fard to the Revenue Assistant, who would then pass a final decree, in accordance with the order already made by him.

12. Contrary to the express mandate of this Court in its order dated 09.12.1987, the then S.O.(C) passed an order dated 01.05.1995 purporting to directly deliver possession of specific consolidated parcels — namely Khasra Nos.24/5, 24/6, 24/15/1, 25/1, 25/9, 25/10, and 24/7 — to the writ petitioner/Respondents herein, without submitting any report to the Revenue Assistant or seeking a final



2025:DHC:7876-DB



decree. Notably, all parcels except Khasra No.24/7 had already been conveyed by Shri Baljit Singh to the present Appellants Shri Rajinder Kumar Gupta and (late) Smt. Kanta Gupta by registered sale deeds dated 19.06.1985. The Appellants asserted — on the basis of the Istemal Bahi (Field Book) of the consolidation scheme — that the said parcels were not allotted in lieu of Khasra No.1/203, but rather correspond to Khasra Nos.204 and 205, which were part of Shri Baljit Singh's pre-consolidation holdings. Further, the order dated 01.05.1995 was passed without any notice, without summoning or examining the consolidation records, without permitting parties to lead evidence, and without impleading necessary parties, including Smt. Hardei, who by that time stood recorded as bhoomidhar of the suit land. This constituted a direct breach of the 1987 High Court order, which had expressly reserved the final decree-making power to the Revenue Assistant.

13. Appeals against the order dated 01.05.1995 were preferred by the purchasers — Shri Rajinder Kumar Gupta and the legal heirs of (late) Smt. Kanta Gupta — before the Additional Collector (Revenue), who, by a reasoned order dated 26.06.1995, set aside the SO(C)'s order and remanded the matter with a direction that alternative khasra numbers corresponding to Khasra No.1/203 be properly identified, and that the order be executed accordingly in terms of the original order of the Revenue Assistant dated 31.03.1971. The Additional Collector held that the land purchased by the Appellants had not been allotted in lieu of Khasra No.1/203 and therefore the transactions were not hit by the doctrine of *lis pendens*. He further observed that if land



2025:DHC:7876-DB



was to be worked out in favour of late Shri Krishan Lal, it had to be either from the recorded holdings of Smt. Hardei, who stood declared bhoomidhar in respect of Khasra No.1/203, or, in the alternative, from the consolidated holdings of Shri Baljit Singh, Shri Ram Sarup and Shri Jai Lal, but not from land demonstrably unrelated to Khasra No.1/203.

14. A further challenge to the Additional Collector's order dated 26.06.1995 was carried by the writ petitioner before the Financial Commissioner, who, by order dated 19.12.1995, upheld the view of the Additional Collector and dismissed the appeal. A review petition met the same fate and was rejected by the Financial Commissioner on 02.02.1996. Accordingly, as of early 1996, the operative position was that the S.O.(C)'s order dated 01.05.1995 stood quashed, and the matter remained remitted for a proper identification and allocation exercise in terms of the Revenue Assistant's order dated 31.03.1971 coupled with the High Court's directions issued on 09.12.1987.

15. Aggrieved by the orders passed by the Additional Collector and the Financial Commissioner, the writ petitioner, late Shri Krishan Lal (and, after his demise, his legal heirs), filed W.P.(C) No. 175/1997 before this Court, challenging the orders dated 26.06.1995, 19.12.1995, and 02.02.1996. By the Impugned Judgment dated 15.10.2014, the learned Single Judge allowed the writ petition, set aside the orders of the Additional Collector and the Financial Commissioner, and restored the order dated 01.05.1995 passed by the S.O.(C). The learned Single Judge reached the following conclusions:

- i. Under the proviso to Section 4 of the DLR Act, land allotted in



exchange during consolidation retains its identity for the purposes of enforcing tenancy rights under the DLR Act;

ii. The doctrine of *lis pendens* under Section 52 of the Transfer of Property Act, 1882 [hereinafter referred to as 'TPA'] barred the purchasers from claiming priority over the decree-holder's right to restitution;

iii. Shri Baljit Singh, having been adjudicated to be in unlawful possession, stood in the shoes of a judgment debtor, and the Appellants derived no superior title under the registered sale deeds executed during pendency;

iv. The mutation entries and sanctioned constructions did not override the binding effect of the adjudicated decree; and

v. It was open to the purchasers to seek recourse against their vendor in accordance with law.

The learned Single Judge accordingly directed the Revenue Assistant to effect delivery of possession of the land to the writ petitioners in execution of the decree.

16. Aggrieved by the Impugned Judgment, two Letters Patent Appeals were filed: LPA 746/2014 by the purchasers, Shri Rajinder Kumar Gupta and the legal heirs of (late) Smt. Kanta Gupta, who had acquired portions of the land under registered sale deeds and; LPA 803/2014 by (late) Shri Baljit Singh through his legal representative, Shri Jai Pal, one of the recorded proprietors whose holdings were sought to be disturbed.



CONTENTIONS OF THE APPELLANTS

17. Learned counsel for the Appellants assailed the Impugned Judgment primarily on the ground that the learned Single Judge failed to correctly appreciate the long-chequered history of the litigation spanning several decades, and overlooked that the orders of the Revenue Authorities, beginning with the order dated 31.03.1971 passed by Shri L.D. Gupta, Revenue Assistant, which had attained finality *inter partes* and could not have been reopened in collateral proceedings. It is urged that the learned Single Judge, by restoring the order dated 01.05.1995 of the S.O.(C), effectively nullified the appellate and revisional findings of the superior Revenue Authorities without jurisdiction.

18. It is further submitted that the learned Single Judge committed grave error in law and fact in allowing W.P.(C) No.175/1997 and setting aside the reasoned orders of the Additional Collector dated 26.06.1995 and of the Financial Commissioner dated 19.12.1995 and 02.02.1996 (review). It is contended that the Impugned Judgment disregards the statutory consolidation regime established under the Consolidation Act and the DLR Act, and fails to appreciate the legal consequences of duly recorded sales and transfers during consolidation, which are protected by consolidation and revenue records.

19. It is further contended that the S.O.(C)/Revenue Assistant's order dated 01.05.1995 — which was restored by the learned Single Judge — was vitiated by non-compliance with mandatory procedural



2025:DHC:7876-DB



requirements. The S.O.(C) exceeded jurisdiction by virtually usurping the role of the Revenue Assistant/executing court and, in doing so, failed to consult or produce the relevant consolidation/field records (Shajra Aksh and Fard) in the presence of all affected parties, did not issue statutory notice to all interested persons, did not allow the leading of evidence, and omitted to implead necessary parties, notably Smt. Hardei, who had earlier been declared bhoomidhar of Khasra No. 1/203. By restoring this order, the learned Single Judge effectively decided disputed questions of allotment and identification of alternative khasras, matters that, as per the Revenue Assistant's order dated 31.03.1971 and this Court's directions dated 09.12.1987, were required to be determined by the S.O.(C) following a proper fact-finding exercise, with the S.O.(C) submitting a report to the Revenue Assistant for the Revenue Assistant's formal decree.

20. The Appellants further submit that the Impugned Judgment failed to respect the doctrine of *lis pendens* and the protection afforded to *bona fide* purchasers. The Appellants purchased certain parcels by registered sale deeds dated 19.06.1985, which were duly mutated in their names. They obtained necessary approvals, constructed farm houses, and received occupancy certificates on 29.08.1989. The Additional Collector in his order dated 26.06.1995, correctly held that the lands purchased by the Appellants were different from those allotted in lieu of the pre-consolidation Khasra No.1/203, and therefore, the transactions were not affected by *lis pendens*. The learned Single Judge, it is contended, overlooked the settled legal principle that *lis pendens* operates only when the very property sold is



the subject matter of pending litigation and does not permit upsetting valid transfers of plots not allotted in lieu of the decree land.

21. The Appellants submit that the learned Single Judge misinterpreted and wrongly applied this Court's order dated 09.12.1987 in W.P.(C) No. 463/1987. That order expressly quashed the earlier improper orders of the S.O.(C) and remitted the matter to the S.O.(C) to identify the land in lieu of Khasra No.1/203 after affording parties an opportunity to lead evidence, and to submit a report (along with the Shajra Aksh and Fard) to the Revenue Assistant, who was then to pass the final decree in line with the Revenue Assistant's order dated 31.03.1971. Instead of enforcing compliance with this procedural protocol, the learned Single Judge restored the S.O.(C)'s final order dated 01.05.1995, thereby reviewing and effectively setting aside the procedural safeguards mandated by this Court — a course of action which the Appellants contend was both impermissible and prejudicial.

22. The Appellants further submit that the learned Single Judge erred in construing the proviso to Section 4 of the DLR Act. The learned Single Judge's approach that a single co-owner, namely Shri Baljit Singh, who may have received some consolidated allotment, automatically becomes the sole "judgment-debtor" for purposes of executing the Revenue Assistant's 1971 order, is incorrect. The decree passed by the Revenue Assistant was recorded against three recorded owners — Shri Baljit Singh, Shri Ram Sarup, and Shri Jai Lal — and the executing authority could not, without proper determination on evidence, rewrite the decree to fasten entire liability on one co-owner.



The statutory scheme, as well as earlier orders, mandates an identification exercise by the S.O.(C) and Revenue Assistant to ascertain which specific plots were allotted in lieu of Khasra No.1/203 and how the decree's liability devolves among the co-owners. The executing court cannot, by fiat, convert the decree into a personal liability against one co-owner without such an exercise.

23. The Appellants emphasize that the Additional Collector and the Financial Commissioner arrived at concurrent, reasoned conclusions on the merits, namely that (i) the S.O.(C)'s exercise was procedurally flawed and premature; (ii) the parcels purchased by the Appellants were not allotted in lieu of Khasra No.1/203; and (iii) consequently, executing the decree against the Appellants' plots was legally unsustainable. The learned Single Judge's wholesale re-appreciation of these concurrent findings in a writ petition — without demonstrating any jurisdictional error, perversity, or breach of principles of natural justice in the impugned revenue orders — exceeded the permissible scope of judicial review under Article 226 of the Constitution of India and amounted to an impermissible review in substance.

24. The Appellants further rely on well-recognized equitable considerations: they are *bona fide* purchasers for valuable consideration, have been in peaceful possession for many years, have invested substantially in development including construction of farm houses and have obtained all requisite statutory approvals and occupancy certificates. Moreover, the purchases were duly mutated in their names. Displacing the Appellants after such long acquiescence



and considerable expenditure would result in grave hardship and injustice. The learned Single Judge failed to properly consider these equities, as well as the significant delay and laches in prosecution of the writ proceedings, which span back to the 1950s–1970s but were revived only decades later. Equity leans in favour of protecting settled rights rather than unsettling transactions after decades of acquiescence. In the Appellants’ submission, such delay militates strongly against upsetting settled rights of third parties.

CONTENTIONS OF THE RESPONDENTS

25. *Per Contra*, the Respondents, being the legal heirs of late Shri Krishan Lal, support the Impugned Judgment and submit that the learned Single Judge has rightly allowed W.P.(C) 175/1997, while setting aside the orders passed by the Additional Collector and Financial Commissioner. It is contended that the Impugned Judgment ensures compliance with the statutory consolidation framework and gives effect to the lawful rights accrued to late Shri Krishan Lal under the DLR Act and the Consolidation Act.

26. It is submitted that late Shri Krishan Lal was a recorded tenant of agricultural holdings in Village Holambi Kalan prior to the consolidation operations and, by virtue of Section 13 of the DLR Act acquired bhoodari rights as on the appointed date. These statutory rights, once vested, could not be divested by subsequent transactions or administrative errors. During consolidation, these tenancy holdings were duly recognized, and a separate parcel of land was allotted in his favour in accordance with the consolidation scheme.



27. The Respondents further emphasize that late Shri Krishan Lal's entitlement had already attained finality with the decree of the Revenue Assistant dated 31.03.1971, which was never set aside. The S.O.(C), while passing the order dated 01.05.1995, was not adjudicating afresh but merely giving effect to that decree and to this Court's specific directions in W.P.(C) 463/1987 (order dated 09.12.1987). Thus, the order of the S.O.(C) was an act of lawful implementation, not an exercise in excess of jurisdiction.

28. It is argued that the Additional Collector and Financial Commissioner disregarded these statutory and accrued rights by setting aside the S.O.(C)'s order. Such interference effectively nullified the legal entitlement of late Shri Krishan Lal, contrary to the doctrine of finality of decrees and the binding force of this Court's earlier orders. The learned Single Judge, in restoring the S.O.(C)'s order, rightly corrected this illegality.

29. The Respondents further contend that the Appellants' claim as *bona fide* purchasers cannot override the vested statutory rights of late Shri Krishan Lal and his legal heirs. Many of these transfers were effected during the pendency of consolidation proceedings and related litigation, rendering them subject to the principle of *lis pendens* under Section 52 of the TPA. Purchasers who acquire title during ongoing disputes cannot claim equity or protection against pre-existing statutory rights, particularly when they had constructive notice of the pending proceedings affecting title.

30. The Respondents deny the Appellants' allegation that the writ



petition involved disputed factual issues beyond the writ court's jurisdiction. It is submitted that the question before the learned Single Judge was a pure question of law, namely whether the orders of the Additional Collector and Financial Commissioner were contrary to the statutory scheme and judicial directions. The writ petition did not reopen tenancy rights but sought enforcement of rights already recognized and crystallized during consolidation and in earlier judicial orders.

31. It is further contended that the Appellants' reliance on non-impleadment of subsequent purchasers in the writ petition is misconceived. The writ petition challenged *inter se* orders between late Shri Krishan Lal and the revenue authorities, and its scope was limited to examining the legality of those orders. The rights of purchasers, if any, derive from the original owners and are subject to the doctrine of *lis pendens*; consequently, such rights cannot be independently enforced or challenged in the writ proceeding.

32. The Respondents also submit that the learned Single Judge rightly held that the Appellants' lands were not insulated from the effect of late Shri Krishan Lal's entitlement, as the consolidation scheme operates on the principle of substitution rather than fragmentation. Once late Shri Krishan Lal's entitlement was determined, it attached to the post-consolidation allotment, and any subsequent alienation did not alter this statutory consequence. The fact that late Shri Krishan Lal expired during the pendency of the writ petition is immaterial, as his legal heirs were duly substituted and proceedings continued seamlessly as a legal continuation of his estate.



POINTS FOR DETERMINATION

33. In light of the rival contentions and the material on record, the following issues arise for consideration in these Appeals:

i. Whether the learned Single Judge was justified in setting aside the concurrent findings of the Additional Collector (26.06.1995) and the Financial Commissioner (19.12.1995 and 02.02.1996), and in restoring the S.O.(C)'s order dated 01.05.1995, despite the said order being passed without compliance with this Court's directions dated 09.12.1987 mandating a detailed identification exercise.

ii. Whether the doctrine of *lis pendens*, as embodied in Section 52 of the TPA operates so as to render ineffective the claims of the Appellants as bona fide purchasers of parcels of land allegedly allotted in lieu of Khasra No.1/203 during the pendency of proceedings initiated by late Shri Krishan Lal.

iii. Whether the proviso to Section 4 of the DLR Act has been correctly interpreted and applied in holding that liability under the Revenue Assistant's decree can be fastened on a single co-owner without a detailed identification of the land allotted in lieu of Khasra No.1/203.

iv. Whether the Appellants' plea of long possession, mutation, and investment in development weighs against their dispossession in the absence of proper compliance with statutory procedures under the DLR Act.

v. Whether the concurrent findings of the Additional Collector and



Financial Commissioner that the parcels purchased by the Appellants were not allotted in lieu of Khasra No.1/203 merit deference and whether their orders should have been disturbed in exercise of writ jurisdiction.

FINDINGS & ANALYSIS

34. Having identified the points for determination, this Court now proceeds to examine each of the issues in *seriatim*, in light of the record, the statutory framework, and the binding judicial precedents.

Issue (i)–

35. The statutory framework under the DLR Act and the Consolidation Act governs the manner in which consolidation, allotment, and substitution of land must be carried out. The relevant provisions are as follows:

- **Section 3(11a) of the DLR Act:**

“‘Holding’ means, in respect of – (i) Bhumidar or Asami; or (ii) tenant or sub-tenant under the Punjab Tenancy Act, 1887, or the Agra Tenancy Act, 1901; or (iii) lessee under the Bhoodan Yagna Act, 1955, a parcel or parcels of land held under one tenure, lease, engagement, or grant.”

- **Section 3(12A) of the DLR Act:**

“‘Khudkasht’ means land (other than Sir) cultivated by a proprietor either by himself or through servants or hired labour – (a) at the commencement of this Act or (b) at any time during the period of five years immediately before the commencement of this Act, whether or not it was so cultivated at such commencement, provided that it has not, at any time after having been so cultivated, been let out to a tenant.”

- **Section 4 of the DLR Act:**

“ (1) There shall be, for the purposes of this Act, only one class of tenure-holder, that is to say, 'Bhumidhar' and one class of sub-tenure holder, that is to say, 'Asami'.



(2) *Tenure holder means a person who holds land directly under and is liable to pay land revenue for that land to the State, and sub-tenure holder is a person who holds land from a tenure-holder or Gaon Sabha and is liable to pay rent therefor to the tenure-holder or a Gaon Sabha:*

[Provided that land given in exchange to a tenure holder or a sub-tenure holders, as a result of consolidation of holdings, shall for the purposes of this Act be deemed to be land originally held by the tenure holder or the sub-tenure holder, as the case may be.]

• **Section 5 of the DLR Act:**

Every person belonging to any of the following classes shall be a Bhoomidhar and shall have all the rights and be subject to all the liabilities conferred or imposed upon a Bhoomidhar by or under this Act, namely –

(a) a proprietor holding Sir or Khudkasht land, a proprietor's grove holder, an occupancy tenant under section 5 of the Punjab Tenancy Act, 1887, paying rent at revenue rates or a person holding land under Patta Dawami, [or Istamrari] with rights of transfer by sale, who are declared Bhumidhars on the commencement of this Act;

(b) every class of tenants other than those referred to in clause (a) and sub-tenants who are declared Bhumidhars on the commencement of this Act; or

(c) every person who, after the commencement of this Act, is admitted to land as Bhoomidhar or who acquires Bhumidhari rights under any provisions of this Act

• **Section 13 of the DLR Act:**

“(1) On the commencement of this Act, the Deputy Commissioner shall also declare the following classes of tenants as Bhumidhar, who shall, with effect from the same, have all the rights and be subject to all the liabilities conferred or imposed upon Bhumidhars under this Act namely :–

(a) a rent free grantee or a grantee at favourable rate of rent;

(b) an exproprietary tenant in Shahdara Circle;

(c) an occupancy tenant, except those under section 5 of the Punjab Tenancy Act, 1887;

(d) a non-occupancy tenant who pays rent revenue rates with or without Malikana;

(e) a tenant of Sir or a sub-tenant declared as non-occupancy tenant under section 10 or 12;

[(f) a tenant of or over twelve years in Shahdara Circle and a non-



occupancy tenant in any part of Union territory of Delhi other than a non-occupancy tenant referred to in clause (d);]

(g) a tenant grove holder; and

(h) a holder of Patta Dawami or Istamrari without any right to sell.

(2) Every person who, after the commencement of this Act, is admitted to land as Bhoomidhar or who acquires Bhumidhari rights under any provisions of this Act, shall have all the rights and be subject to all the liabilities conferred or imposed upon Bhumidhars under this Act with effect from the date of admission or acquisition, as the case may be have all the rights and be subject to all the liabilities conferred or imposed upon Bhumidhars under this Act with effect from the date of admission or acquisition, as the case may be.³

- **Section 154 of the DLR Act: Provides for vesting of certain lands in the Gaon Sabha. The said provision reads as under:**

[(1)] On the commencement of this Act –

(i) all lands whether cultivable or otherwise, except land for the time being comprised in any holding or grove,

(ii) all trees (other than trees in a holding or on the boundary thereof or in a grove or abadi) [or planted by a person other than a proprietor on land other than land comprised in his holding],

(iii) public wells,

(iv) fisheries,

(v) hats, bazars and melas, except hats, bazars and melas held on land to which provisions of clauses (a) to (c) of sub-section (1) of section 11 apply,

(vi) tanks, ponds, water channels, pathways and abadi sites,

(vii) forests, if any.

situate in a Gaon Sabha Area, shall vest in the Gaon Sabha:

Provided that if the uncultivated area situate in any Gaon Sabha area is, in the opinion of the Chief Commissioner, more than the ordinary requirements of the Gaon Sabha, he may exclude any portion of the uncultivated area from vesting in the Gaon Sabha under this section and may make such incidental and consequential orders as may be necessary.

[(2) Where any land which is vested in the Central Government under sub-section (3) or sub-section (4) of section 130, is held immediately before such vesting by an Asami of a Gaon Sabha, then, notwithstanding anything contained in clause (b) of sub-section (2) of section 1, and so long as it is held by such Asami,



the provisions of this Act shall continue to apply to such land subject to the modification that all references therein to Gaon Sabha and Gaon Panchayat shall in relation to such land be construed as references to the Central Government.]

36. The legislative intent is to create a uniform class of statutory landholders (Bhoomidars) with defined rights tied to specific, identifiable holdings. This is supported by judicial precedents such as *Hatti v. Sunder Singh*¹, which clarify that proprietary rights were extinguished and replaced with statutory entitlements linked to specific holdings.

37. In the present case, the controversy finds its root in the directions issued by this Court in C.W. No.463/1987 decided on 09.12.1987. That order categorically required the S.O.(C) to rehear the matter, permit parties to lead evidence, deal with all objections, and thereafter submit a report to the Revenue Assistant for passing a final decree. The operative portion reads:

“It is admitted case now that these directions are never complied with by the Settlement Officer. Hence, the impugned order is vitiated with illegality. I allow the writ petition and quash the impugned orders mentioned above and remand the case back to the Settlement Officer (Consolidation) for deciding it afresh and he is directed to comply with the order of Sh. L.D. Gupta after allowing opportunity of hearing to all the parties concerned which would include giving an opportunity to the parties to lead evidence and he shall deal with all the objections and submit his report to the Revenue Assistant concerned who will pass the final decree in accordance with the order already made by him. The settlement officer should take steps to dispose off the matter within four months.”

38. Thus, compliance with the High Court’s order required a thorough identification exercise based on records, objections, and evidence, culminating in a reasoned report.

¹ (1970) 2 SCC 841



39. The S.O.(C)'s order dated 01.05.1995, however, fell demonstrably short of this mandate. It merely directed the Kaanoongo to ascertain the value of Khasra No.203/1 (measuring 23 bighas 7 biswas) and then mechanically listed certain parcels (24/5, 24/6, 15/1, 25/1, 25/9, 25/10, 24/7) as equivalent in value and quality, ordering their possession to be handed over to late Shri Krishan Lal. The operative portion records:

“From a perusal of the history of the above case, it would be noted that the only thing to be complied by the settlement officer to look into the settlement records and determine as to which particular plots were to be given to Sh. Kishan Lal in exchange of ½ share in the land in suit.

Now in view of the directions of the Hon'ble High Court in C.W.P No. 463/87 wherein the directions have been issued to the settlement Officer For deciding the case 4 -fresh in order to comply with the order of Sh. L.D. Gupta. Accordingly I have summoned the consolidation record and directed the office Kaanoonga to ascertain the value of Kh. No.203/1 etc. measuring 23 bighas 7 bisWas of Holambi Khurd and also I have directed to the value and quality of Khasra Nos as follows as per value and quality equal to the value and quality of Khasra No. 203/1 etc. as follows:-

Khasra No.	Ordinary Area	Std. Area
24/5	4-16	2-8
6	4-16	2-8
15/1	2-16	1-1
25/1	5-02	2-11
25/9	3-17	1-14
25/10	4-16	2-05
24/7	<u>3-0</u>	<u>2-05</u>
	29-03	<u>14-12</u>

I, therefore pass the order that the possession of Killa No. 24/5, 6, 15/1, 25/1, 25/9, 25/10, 24/7 mentioned above be handed over to Sh. Kishan Lal applicant. Necessary correction be carried out accordingly. The name of the applicant Sh. Kishan Lal be entered in revenue record.”

40. What is glaring is that the S.O.(C) did not comply with the earlier binding directions of this Court. There is no discussion of



objections, no analysis of competing claims, no hearing of parties, and no evaluation of evidence. The exercise undertaken was purely mechanical and therefore contrary to the very basis of the remand in 1987.

41. The Additional Collector's order dated 26.06.1995 is particularly instructive and clarifies the proper allocation of responsibility. The relevant portion whereof is reproduced hereunder:

"13.After the perusal of the said order of Sh. L.D. Gupta, I find that the same was against the defendants i.e. the present respondent nos. 2, 3 & 4. It implies that the land to be given to the present respondent no.1 should have been taken from the defendants i.e. the present respondent nos.2, 3 & 4 in equal shares whereas by virtue of the impugned order, the liability of giving land to respondent no.1 has been fixed upon the appellants who purchased the land, the subject matter of the present appeal. It would be worth mentioning here that the land in question is the land other than the land which was in dispute under the proceedings under Section 18(2) of the DLR Act, 1954. So far as the question of lis pendens is concerned, it applies to Smt. Hardei who was declared bhoomidar in respect of land bearing Khasra No. 1/203 vide order dated 28.02.1970 during the pendency of the proceedings under Section 18(2) of the said Act. So, if at all, any land that is required to be given to respondent no.1, it should be the land carved out from the joint holdings of respondent nos.2 to 4. Since Sh. Baljeet Singh, respondent no.2, is no more and his rights have been inherited by his LRs, namely Sh. Jaipal, 1/3 share of land pertaining to Sh. Baljeet Singh, respondent no.2, is required to be taken out of the land presently pertaining to Sh. Jaipal. Similarly, the remaining 1/3 share of land is required to be taken from the land of the LRs of respondent no.3 and 1/3 share of land is required to be taken from LRs of respondent no.4. There is no reason to take possession of any land belonging to the appellants as their part of the agricultural land is not a matter of dispute. It has come in their bhoomidar rights, legally, after execution of proper sale deed. At present, it is in their possession and a farm house, duly approved by MCD, exists there. The land is also mutated in their names. So far as the jurisdiction of the SO(c) exercising the powers of R.A. is concerned, I am of the considered view that the SO(c) can exercise the powers of R.A. in respect of those villages where consolidation proceedings are in operation. Herein this case, the consolidation proceedings in village Holambi Khurd have been completed long ago and thereafter this village falls in the jurisdiction of concerned R.A.



Hence, I do not think that the SO(c) should have exercised the powers of R.A. also. Moreover, the Hon'ble High Court in this order has clearly directed the SO(c) to find out the alternative Khasra Nos. and send his report to R.A. for final order. Contrary to this, the SO(c) has himself passed the final order which means that the order of the Hon'ble High Court has not been properly complied with.

14. *In view of my findings and discussions above, I hold that there are certain lapses in the impugned order and it warrants my interference. Consequently, I accept the appeal and set aside the impugned order. There is no need to interfere with the peaceful possession of the land of the appellants. I, however, remand the case to the SO(c) to comply with the direction of the Hon'ble High Court wherein it has directed to decide it afresh as per the order of Sh. L.D. Gupta dated 31-03-71 after allowing the opportunity of hearing and leading evidence to all the concerned parties. Consequently, SO(c) is directed to send a report to the concerned R.A. i.e. SDM(KWC) of the alternative Khasra Nos. in lieu of Khasra No. 1/203 and other Khasra Nos. belonging to respondent nos.2 to 4 so that the R.A. can pass a final decree in favour of Sh. Krishan Lal, respondent no.1. Since there has been abnormal delay in carrying out the order of the Hon'ble High Court, SO(c) is directed to submit a report to concerned R.A. i.e. SDM(KWC) within one month and concerned R.A. i.e. SDM(KWC) shall thereafter pass the final decree within one month. All the concerned parties are directed to appear before the SO(c) and concerned R.A. i.e. SDM(KWC) for necessary action. File be consigned to the record room."*

42. A careful reading of the Additional Collector's order makes it clear that the liability to provide land to Respondent no.1 lay exclusively upon Respondent Nos.2, 3 and 4, and not upon the Appellants who had purchased the land in question. This critical aspect was completely overlooked by the learned Single Judge in the Impugned Judgment dated 15.10.2014, who neither addressed nor questioned the correctness of this finding, resulting in an erroneous shifting of liability onto the Appellants.

43. The S.O.(C)'s order dated 01.05.1995 was, therefore, not only procedurally deficient but also substantively incorrect in attributing responsibility to the Appellants. The concurrent findings of the



Additional Collector and the Financial Commissioner correctly identified the proper parties from whom land should be taken.

44. Consequently, the restoration of the S.O.(C)'s order by the learned Single Judge, without adherence to the High Court's 1987 directions and without dealing with the express findings regarding Respondent Nos.2, 3 and 4, was legally untenable.

45. The S.O.(C)'s order dated 01.05.1995 was not only procedurally deficient, in failing to comply with the directions of this Court dated 09.12.1987, but also substantively flawed in its treatment of the tenancy claim. The liability to provide land to late Shri Krishan Lal could only have arisen against the holdings of the three proprietors—Respondent Nos.2 to 4 — who were found to have unlawfully dispossessed him. A proper identification exercise required the Settlement Officer to determine whether the tenancy was joint against all three, in which case proportionate land from each was to be carved out, or whether it was attributable to one proprietor alone, in which case the burden was to fall exclusively on that proprietor. No such analysis was undertaken. Instead, land belonging to the Appellants—third-party purchasers with duly perfected bhoomidari rights—was wrongly diverted to satisfy the claim. This omission vitiated the entire exercise. The learned Single Judge, while restoring the S.O.(C)'s order, failed to notice these critical aspects and overlooked the express findings of the Additional Collector and Financial Commissioner fixing liability on Respondent Nos.2 to 4. The Impugned Judgment is, therefore, legally unsustainable, and the matter must be remanded for fresh compliance with the High Court's



directions of 1987, ensuring that liability is confined to the appropriate proprietors. Issue (i) is thus answered in favour of the Appellants.

Issue (ii) –

46. Section 52 of the TPA provides as follows:

“52. Transfer of property pending suit relating thereto.—During the [pendency] in any Court having authority [within the limits of India excluding the State of Jammu and Kashmir] or established beyond such limits] by [the Central Government], of [any] suit or proceeding [which is not collusive and] in. which any right to immovable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose.”

47. The doctrine of *lis pendens* is intended to preserve the subject matter of litigation intact, ensuring that no party to a pending suit can transfer, alienate, or otherwise deal with the immovable property in a manner that prejudices the rights of other parties arising from the pending proceedings. Its operation is subject-matter specific, i.e., it only applies where the transferred property corresponds directly and specifically to the property in dispute in the pending suit.

48. In the present case, the Appellants claim that they are *bona fide* purchasers for value, having acquired the parcels through valid registered sale deeds, and having their mutations recorded in official records. The critical question is whether the parcels transferred correspond to the land substituted for Khasra No.1/203, which was the subject matter of litigation initiated by late Shri Krishan Lal.

49. *Prima facie*, on examination of the material on record, including the Field Book (Istemal) and consolidation records, it is



evident that the parcels purchased by the Appellants correspond to Khasra Nos.204 and 205, and not to Khasra No.1/203. The Additional Collector and Financial Commissioner, after due consideration, concurrently held that the parcels in question were not traceable to Khasra No.1/203. These findings have not been challenged on facts and merit deference under writ jurisdiction principles.

50. It is well-settled that Section 52 of the TPA does not operate automatically to invalidate all transfers during litigation and it only makes such transfers of the suit property subject to the decision of the litigation. It applies strictly to the property specifically involved in the pending suit. Where the transferred property differs from the subject matter of litigation, Section 52 of the TPA does not affect such transfers.

51. In *Shingara Singh v. Daljit Singh*², the Supreme Court held that once a transaction is found to be illegal due to the doctrine of *lis pendens*, the defense of being a *bona fide* purchaser is liable to be rejected. The Supreme Court emphasized that the doctrine applies irrespective of the transferee's knowledge of the pending litigation.

52. In the present case, *prima facie*, since the Appellants' purchases do not relate to Khasra No.1/203 or its substituted land but to separate khasras, the doctrine of *lis pendens* cannot be invoked to nullify their transactions. The learned Single Judge erred in concluding that the Appellants' titles were defeated merely on the pendency of proceedings without establishing the requisite nexus.

² (2024) SCC OnLine SC 2823



53. In light of the statutory framework and judicial guidance, the learned Single Judge erred in holding that the Appellants' titles were automatically defeated under Section 52 of the TPA, without verifying the nexus between the purchased parcels and Khasra No.1/203. The proper approach is to recognize that the Appellants' transactions stand valid unless it is conclusively established that the parcels form part of the substituted Khasra No.1/203, which the material on record does not demonstrate.

54. Accordingly, while the doctrine of *lis pendens* operates in principle to protect the integrity of pending proceedings, its application in the present case is limited. Absent a conclusive identification linking the Appellants' purchased parcels to Khasra No.1/203, their titles cannot be invalidated merely on the basis of pending litigation. Accordingly, the learned Single Judge's judgment on this issue is unsustainable.

Issue (iii) –

55. A careful reading of the preamble, Statement of Objects and Reasons, and the relevant statutory provisions of the DLR Act, namely Sections 3(11A), 3(12A), 4, 5, 13, and 154, demonstrates the following legislative intent:

- i. To abolish the zamindari system and remove intermediaries between the State and the actual tillers of the soil.
- ii. To confer Bhoomidari rights only on actual cultivators or designated tenants, thereby creating a uniform body of peasant proprietors.



iii. To ensure that rights and liabilities of Bhoomidars are attached to specific plots of land declared in their favour.

iv. To recognize that co-ownership or multiple proprietorships does not confer unqualified liability across unrelated parcels without proper identification of the specific holding.

56. The Statement of Objects and Reasons underscores that the Act aims to promote a democratic peasantry by granting rights and obligations that are personal and plot-specific. Consequently, enforcement of revenue liabilities must respect the requirement of clear identification of the landholdings concerned.

57. In the present case, the learned Single Judge restored the S.O.(C)'s order dated 01.05.1995, holding that the Revenue Assistant's decree was enforceable against a single co-owner without requiring verification or identification of the substituted land corresponding to Khasra No.1/203. This approach is inconsistent with both the statutory provisions and the legislative intent of the DLR Act, which mandates that Bhoomidari rights and liabilities be strictly linked to identifiable parcels of land.

58. The proviso to Section 4 of the DLR Act cannot be interpreted to bypass the essential requirement of land identification. Liability under a Revenue Assistant's decree can only attach to a co-owner when it is conclusively demonstrated that the particular parcel corresponds to the entitlement under the original decree. Enforcement without such identification would defeat the Act's objectives of clarity, fairness, and security of tenure.



59. Therefore, the learned Single Judge erred in upholding enforcement of the Revenue Assistant's decree against a single co-owner without prior conclusive identification of the substituted land. This renders the Impugned Judgment unsustainable in law.

Issue (iv) –

60. The Appellants contend that they are *bona fide* purchasers for valuable consideration, having held peaceful possession over the disputed parcels for decades, with mutations recorded in revenue records, and substantial investments in the development of the land, including construction of farmhouses and obtaining occupancy certificates. Such possession and investment, according to the Appellants, generate equitable considerations which should be weighed heavily against any order for dispossession, especially when the Appellants' ownership and possession have remained uncontested for long years.

61. However, the Respondents contend, and the learned Single Judge held that such equities cannot override or negate statutory entitlements and rights accrued to late Shri Krishan Lal and his heirs under the consolidation scheme and land reform legislation. The statutory framework establishes a specific regime governing the identification of entitled beneficiaries, allotment of substituted land, and the enforceability of Revenue Assistant decrees.

62. While the principles of *bona fide* possession, mutation, and investment are relevant, they remain subordinate to statutory and judicially mandated processes. Possession and mutation alone cannot



2025:DHC:7876-DB



confer indefeasible rights where statutory procedure — such as identification of the substituted land and adherence to the consolidation framework — has not been duly followed.

63. The material on record indicates that some of the Appellants' mutations and purchases occurred during ongoing litigation and consolidation operations affecting the disputed parcels. In such circumstances, these equities cannot be invoked to confer absolute protection against lawful claims of entitled parties. This position is consistent with established precedents recognizing that possession, though long-standing, is insufficient to defeat legal entitlements in statutory schemes.

64. Delay and laches in prosecuting rights are relevant but cannot override statutory requirements. In the present case, the absence of a proper identification exercise and compliance with procedural mandates under the DLR Act militates against allowing dispossession solely based on equitable pleas of possession and investment.

65. Accordingly, while the Appellants' long possession, mutation, and investment deserve due consideration, they cannot operate to bypass statutory procedures or confer immunity from enforcement of lawful rights established through proper statutory process. Any order of dispossession must be preceded by strict compliance with the identification and allotment requirements under the consolidation and revenue laws.



2025:DHC:7876-DB



Issue (v) –

66. The Additional Collector and the Financial Commissioner, after detailed examination of the facts and records, concluded that the parcels of land purchased by the Appellants were not allotted in lieu of Khasra No. 1/203. These findings were based on a careful scrutiny of the consolidation records, mutation entries, and the identification exercise undertaken as per the statutory scheme.

67. The findings of these revenue authorities are concurrent and reasoned, reflecting their expertise and the procedural steps prescribed under the relevant land consolidation and revenue laws. Their orders represent a considered determination on questions of fact and application of law in the context of land allotment and rights recognition.

68. The scope of judicial review under Article 226 of the Constitution of India in writ jurisdiction is limited and does not ordinarily extend to re-appreciation of evidence or concurrent findings of fact unless such findings are perverse, arbitrary, or suffer from jurisdictional errors.

69. In the present case, the learned Single Judge, by setting aside the orders of the Additional Collector and the Financial Commissioner, undertook a wholesale re-appreciation of facts and effectively substituted the findings of these authorities without any demonstrated jurisdictional error or illegality.

70. This approach amounts to exceeding the permissible scope of



judicial review, as the learned Single Judge failed to show that the revenue authorities' findings were vitiated by non-application of mind, bias, or illegality.

71. Given the importance of maintaining the integrity of statutory authorities' findings and ensuring finality in consolidation and revenue matters, the concurrent decisions of the Additional Collector (26.06.1995) and Financial Commissioner (19.12.1995 and 02.02.1996 review), which held that the parcels purchased by the Appellants were not part of the substituted allotment, deserve due deference and must be upheld.

CONCLUSION & RELIEF

72. For the reasons recorded hereinabove, this Court is of the considered view that the learned Single Judge erred in setting aside the concurrent and reasoned orders of the Additional Collector and the Financial Commissioner, without ensuring compliance with the mandate of identification, and by embarking upon a re-appreciation of facts beyond the permissible contours of writ jurisdiction.

ORDER:

- i. The Impugned Judgment dated 15.10.2014 passed by the learned Single Judge in W.P.(C) 175/1997 is hereby set aside.
- ii. The orders dated 26.06.1995 of the Additional Collector and 19.12.1995 and 02.02.1996 (review) of the Financial Commissioner are restored.



2025:DHC:7876-DB



iii. The writ petition (W.P.(C) No.175/1997) stands dismissed, insofar as it challenged the titles of the Appellants', which remain subject to completion of the statutory identification exercise.

iv. The matter is remitted to the competent revenue authorities to undertake the identification exercise mandated by the orders of this Court dated 31.03.1971 and 09.12.1987, after affording due opportunity to all affected parties, and only thereafter may any execution or delivery of possession be effected.

v. In view of the disposal of the connected LPAs and the directions issued hereinabove, CONT. CAS(C) 725/2023 does not survive for independent consideration and is accordingly disposed of.

73. Needless to observe that the Competent Authority will proceed to decide independently and uninfluenced by the *prima facie* observations made herein.

74. All pending applications stand closed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 10, 2025/jn/pl