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

**Date of decision: 19<sup>th</sup> May, 2026**

+ W.P.(C) 10702/2023, CM APPL. 41473/2023, CM APPL. 57821/2023, CM APPL. 20110/2024 & CM APPL. 66288/2024

MADHUSUDAN

.....Petitioner

Through: Mr. Gaurav Sarin, Sr. Advocate with Mr. Samman Vardhan Gautam, Mr. Ilesh Shukla, Ms. Khushi Sharma, Mr. Priyam Tiwari, Ms. Anshika Priyadarshini, Mr. Chetanya Singh, Mr. Harish, Ms. Swati and Mr. Samarth Tyagi, Advocates.

versus

DEPUTY COMMISSIONER SOUTH-WEST AND ORS.

.....Respondents

Through: Mr. Rajesh Yadav, Sr. Advocate with Mr. Amit K. Batra, Mr. Shashi Bala and Mr. Dhruv Kumar, Advocates for R-3/BPCL with Mr. Shekhar Gupta, BPCL Officer.  
Mr. Sanjay Kumar Pathak, SC with Mrs. K. K. Kiran Pathak, Mr. Sunil Kumar Jha, Mr. M. S. Akhtar and Mr. Kushagra Dixit, Advocates for R-2.  
Mr. Tushar Sannu and Ms. Palak Gupta Joshi, Advocates for GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**JUDGMENT**

**SANJEEV NARULA, J. (Oral)**

1. The Petitioner seeks quashing of the order dated 3<sup>rd</sup> August, 2023



passed by the District Magistrate, South-West, in Case No. 1/17/2018, whereby the Petitioner's request for correction of revenue entries in respect of land comprised in Mustatil No. 54, Killa Nos. 2/2/2 min (1-09), 9 min (3-11), 10/1 (2-01), 12 (4-12) and 19/1 (0-14), admeasuring 12 bighas and 7 biswas, situated in the revenue estate of Village Bharthal, New Delhi,<sup>1</sup> has been rejected. The Petitioner also seeks protection against demolition, forcible dispossession or interference with the subject land.

2. At the heart of the case lies a short but important question: could the District Magistrate, while considering correction of revenue records after a Division Bench of this Court had declared the acquisition proceedings to have lapsed, refuse such correction by relying on the very acquisition record from which the impugned revenue entry had emanated.

3. Since the matter has had a long history, the relevant facts must be noticed with some care.

### ***Factual background***

4. The Petitioner claims ownership of the subject land on the basis of a registered sale deed dated 11<sup>th</sup> January, 1985. According to the Petitioner, mutation was also recorded in his favour, and he constructed a boundary wall over the land before the acquisition proceedings commenced.

5. On 4<sup>th</sup> February, 1988, a notification under Section 4 read with Section 17 of the Land Acquisition Act, 1894 came to be issued for acquisition of land situated in Village Bharthal for the public purpose of expansion of the Bijwasan Oil Terminal of Bharat Petroleum Corporation Limited (Respondent No. 3). By invocation of the urgency provisions under Section 17, the enquiry contemplated under Section 5A stood dispensed

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<sup>1</sup> "subject land"



with, following which a declaration under Section 6 was issued on 16<sup>th</sup> February, 1988.

6. On 16<sup>th</sup> May, 1988, possession proceedings (*kabza karwahi*) were drawn up recording that possession of 60 bighas and 17 biswas of land, including Khasra Nos. 54//2/2/2, 9, 10/1, 12 and 19/1, had been taken and handed over to BPCL. The proceedings further record the existence of a boundary wall, tube-well and room upon the land, and state that possession was delivered in the same condition. The document also records that possession of Khasra No. 54//22 min, admeasuring 3 bighas and 10 biswas, could not be delivered on account of the land being built-up.

7. On 9<sup>th</sup> December, 1988, the Petitioner instituted W.P.(C) 2803/1988 before this Court assailing the acquisition proceedings. On 12<sup>th</sup> December, 1988, a Division Bench directed that the Petitioner shall not be dispossessed from the land in question. The Petitioner was, correspondingly, restrained from raising construction or transferring, alienating or parting with possession of the land. On 22<sup>nd</sup> February, 1990, the interim order dated 12<sup>th</sup> December, 1988 was confirmed.

8. During the pendency of W.P.(C) 2803/1988, the Land Acquisition Collector announced Award No. 13/1989-90 on 10<sup>th</sup> August, 1989, assessing the total compensation for the entire acquired land, ad-measuring 64 Bighas and 7 Biswas in Village Bharthal, at INR 14,70,195/-. The record reflects that the Petitioner filed a claim for compensation before the Land Acquisition Collector. However, the said claim was filed without prejudice to his rights and contentions raised in his pending writ proceedings.

9. W.P.(C) 2803/1988 was decided along with W.P.(C) 1063/1988 (filed by another landowner, Vivek K. Manha) by a Division Bench on 27<sup>th</sup> April,



2006. The Court declined to quash the Section 4 notification in its entirety. It, however, found fault with the dispensation of the Section 5A enquiry because the original administrative records showed no independent application of mind by the Lieutenant Governor to specifically invoke Section 17(4). Holding that mere urgency does not automatically extinguish the right to file objections, the Court quashed the Section 17(4) notification and the Section 6 declaration. The Court permitted the Petitioners to file objections under Section 5A within 30 days, directed the authorities to consider the objections in accordance with law, directed the parties to maintain *status quo* unless varied by a competent court, and required the Respondents to proceed with the acquisition proceedings in accordance with law as expeditiously as possible and in any case within six months.

10. The Government of NCT of Delhi carried the judgment dated 27<sup>th</sup> April, 2006 to the Supreme Court. The Supreme Court dismissed the appeal on 21<sup>st</sup> March, 2012.

11. The Petitioner thereafter filed W.P.(C) 5944/2013 on the ground that after the dismissal of the appeal by the Supreme Court, no fresh declaration under Section 6 had been issued within the period permitted in law. By judgment dated 28<sup>th</sup> October, 2014, another Division Bench of this Court recorded that the relevant file had been produced before it and no notification under Section 6, subsequent to dismissal of the SLP by the Supreme Court, could be found. Following *Padmasundara Rao v. State of Tamil Nadu*,<sup>2</sup> the Division Bench declared that since the time for issuing the notification under Section 6 had elapsed, the entire acquisition proceedings had to be declared as having lapsed. The Petitioner was given liberty to seek



correction of the revenue record.

12. Thereafter, the Petitioner submitted representations for correction of the revenue entries. As no action was taken, the Petitioner filed W.P.(C) 2988/2017. By order dated 15<sup>th</sup> January, 2018, this Court directed the Deputy Commissioner, South-West, to decide the Petitioner's representation dated 1<sup>st</sup> February, 2013 by a reasoned and speaking order within six weeks.

13. The matter then remained pending before the revenue authorities for a considerable period. Eventually, by order dated 3<sup>rd</sup> August, 2023, the District Magistrate rejected the Petitioner's request for correction. That order is impugned in the present petition.

***The impugned order***

14. The impugned order takes note of Petitioner's consistent case that he was never dispossessed pursuant to the *kabza karwahi* dated 16<sup>th</sup> May, 1988. It records his contention that the land was enclosed within a boundary wall and gate, contained certain constructions, and that neither demolition nor forcible physical entry had ever taken place.

15. The order further records that BPCL claimed the subject land fell within its boundary wall, which was disputed by the Petitioner. Upon physical demarcation being carried out through the revenue authorities, the Petitioner asserted that the report showed the land in question to be outside the BPCL boundary wall and within a separate boundary wall constructed by him in 1986-87, which remained intact. The order also notices the Petitioner's contention that the khasra girdawari up to 1994-95 reflected him in cultivatory possession.

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<sup>2</sup> (2002) 3 SCC 533.



16. In the discussion portion, the District Magistrate thereafter refers to a field report dated 28<sup>th</sup> March, 2022 prepared by the Halka Patwari and verified by the Field Kanungo, which records that the subject land admeasuring approximately 12 bighas and 7 biswas falls outside the BPCL boundary wall, whereas only a smaller portion admeasuring about 2 bighas falls within it.

17. Notwithstanding the above, the District Magistrate concludes that possession had already been taken by the revenue authorities and handed over to BPCL on 16<sup>th</sup> May, 1988, prior to the *status quo* order dated 12<sup>th</sup> December, 1988. Reliance is also placed on the mutation effected in favour of BPCL in 1999. The impugned order ultimately proceeds on the premise that “it is the kabza karwahi and the entry of name of BPCL which will decide the ownership”, and on that basis rejects the request for correction of revenue entries.

***Submissions on behalf of the Petitioner***

18. Mr. Gautam Sarin, Senior Counsel for the Petitioner, submits that the impugned order effectively defeats the judgment dated 28<sup>th</sup> October, 2014. Once the Division Bench declared the acquisition proceedings *qua* the subject land to have lapsed, correction of the revenue record ought to have followed. The revenue authority could not sit in judgment over the binding declaration of this Court.

19. The Petitioner is not seeking adjudication of disputed possession or recovery of physical possession from BPCL. The principal relief is confined to correction of the revenue record. The second prayer in the writ petition, seeking protection against dispossession, is said to be ancillary to the interim protection already granted in these proceedings. If any further possessory



relief is necessary, the Petitioner will pursue such remedy as may be available in law.

20. The impugned revenue entries exist solely by virtue of the acquisition proceedings. Once the acquisition has lapsed, the entries cannot survive independently as though the acquisition still subsists. Permitting such entries to continue would result in a legally incongruous position where the acquisition stands lapsed, yet the State or BPCL continues to be reflected in the revenue record on the strength of that very acquisition.

21. The District Magistrate misunderstood the scope of the proceedings before him. The representation was not an adversarial dispute concerning title or mutation, but a request for correction of the revenue record consequent upon the lapse of acquisition proceedings declared by this Court. While the authority could verify the record, it could not reopen or dilute the effect of the judgment dated 28<sup>th</sup> October, 2014.

22. If BPCL was aggrieved by that judgment dated 28<sup>th</sup> October, 2014 in W.P.(C) 5944/2013 on the ground of non-impleadment, its remedy was to seek recall, review, appeal or such other relief as law permitted. The binding effect of that judgment could not be disregarded by a revenue authority.

23. The *kabza karwahi* dated 16<sup>th</sup> May, 1988, were merely “paper proceedings” carried out unilaterally behind the Petitioner’s back, without taking actual physical possession of the Subject Land. In support of this, reliance is also placed on the interim orders dated 12<sup>th</sup> December, 1988, and 22<sup>nd</sup> February, 1990 to contend that if possession had already been fully and effectively taken on 16<sup>th</sup> May, 1988, the Respondents would have sought clarification or modification of the interim protection granted by this Court. Instead, the protection against dispossession continued after hearing the



Respondents.

24. The impugned order is internally contradictory. While it notices that the subject land falls outside BPCL's boundary wall and within a separate boundary wall stated to have been constructed by the Petitioner, it nevertheless concludes that possession is undisputedly with BPCL, without reconciling the two findings.

25. The District Magistrate wrongly relied upon *Indore Development Authority v. Manoharlal*.<sup>3</sup> The said decision arose in the context of Section 24(2) of the 2013 Act and the manner of proving possession for the purposes of lapse under that provision. The present case, concerns a prior judicial declaration that the acquisition itself had lapsed for non-issuance of a fresh declaration under Section 6 of the 1894 Act. The District Magistrate could not invoke *Indore Development Authority* to reopen that issue.

26. Reliance is placed on *Gojer Brothers Private Limited v. State of West Bengal*,<sup>4</sup> to submit that once acquisition proceedings lapse, even a beneficiary in possession cannot retain the land merely on the strength of the lapsed acquisition. Further reliance is placed upon *Baldev Singh v. Land Acquisition Collector*,<sup>5</sup> and the subsequent order in *Baldev Singh v. Neha Bansal*,<sup>6</sup> where revenue correction was directed after acquisition proceedings were held to have become inoperative.

27. The plea of alternative remedy does not bar the present petition. The impugned order suffers from a jurisdictional error inasmuch as it proceeds contrary to binding judgments of this Court and directly affects rights

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<sup>3</sup> (2020) 8 SCC 129.

<sup>4</sup> (2013) 16 SCC 660.

<sup>5</sup> In W.P.(C) 5083/2014, decided on 23<sup>rd</sup> January, 2018.

<sup>6</sup> In CONT.CAS(C) No. 776/2019, deiced on 16<sup>th</sup> August, 2024.



protected under Article 300A of the Constitution.

***Submissions on behalf of Respondent No. 1***

28. Respondent No. 1 supports the impugned order and submits that the same was passed in compliance with the directions issued by this Court on 15<sup>th</sup> January, 2018 in W.P.(C) 2988/2017. Notices were issued to the concerned departments, replies were obtained from BPCL and the Land Acquisition Collector, and the relevant records, including the *kabza karwahi*, acquisition file, demarcation reports and revenue entries, were duly examined.

29. The impugned order is a reasoned and speaking quasi-judicial order. The revenue record, particularly Jamabandi for the year 2002-03, recorded the land in the name of “Sarkar Daulatnadar makbuja mehkma Bharat Petroleum Corporation Limited”. The impugned order merely records the existing revenue position and refuses correction after considering the relevant material.

30. The impugned order is appealable under the Delhi Land Revenue Act, 1954. Anyone aggrieved by an order of the Deputy Commissioner in mutation or revenue-entry matters has a statutory remedy before the Financial Commissioner. On that ground, the writ petition is said to be not maintainable.

31. Respondent No. 1 has not taken any step to dispossess the Petitioner. If any issue of possession arises, it is between the Petitioner and BPCL. The impugned order does not direct demolition or dispossession.

***Submissions on behalf of BPCL***

32. Mr. Rajesh Yadav, Senior Counsel appearing for BPCL, contests the writ petition both on maintainability and on merits, as follows: the petition,



although framed as one seeking correction of revenue records, the dispute in substance concerns possession of the land, which BPCL asserts has remained with it since 16<sup>th</sup> May, 1988 pursuant to the *kabza karwahi* prepared by the revenue authorities. The Petitioner's plea that the possession proceedings were merely paper proceedings stands contradicted by the acquisition record, the award and the judgment dated 27<sup>th</sup> April, 2006.

33. The pleadings in the writ petition itself demonstrate that the controversy is not confined to correction of revenue entries. Reliance is placed on the prayers seeking restraint against dispossession, demolition and interference with possession, as well as the Petitioner's assertion that actual physical possession always remained with him. The writ petition, therefore, raises seriously disputed questions of fact not amenable to adjudication under Article 226 of the Constitution.

34. Considerable emphasis is placed upon the *kabza karwahi* dated 16<sup>th</sup> May, 1988. The said proceedings records demarcation of the land, taking over of possession of 60 bighas and 17 biswas, and handing over thereof to BPCL in the presence of revenue officials and BPCL representatives. The proceedings specifically refer to the subject khasra numbers and also record that the existing crop, tube-well, room and boundary wall were taken over and handed over in the same condition. The possession proceedings, therefore, cannot be treated as a mere paper formality.

35. Reliance is placed on the Award No. 13/1989-90 dated 10<sup>th</sup> August, 1989, which records the Petitioner's claims towards compensation for the land as well as structures, walls, trees and appurtenant features existing thereon. The Petitioner's claim for compensation is inconsistent with the



present plea that the acquisition never took effect or that possession was never taken. Moreover, the deposit and adjustment of compensation amounts showcase that the acquisition proceedings had progressed to completion with possession, award, compensation and mutation all having followed.

36. Reliance is also placed upon the judgment dated 27<sup>th</sup> April, 2006 in W.P.(C) 2803/1988 and the connected writ petition. The Division Bench, in para 10 of the judgement, specifically noted that possession in the Petitioner's case had already been taken, unlike the connected matter where possession had not been taken. These observations were made after perusal of the original acquisition record, including the *kabza karwahi*, and have attained finality. Reliance is further placed upon paragraph 22 of the judgment, where the Division Bench observed that the major portion of the acquired land had already been utilised and possession thereof had been taken.

37. The interim order dated 12<sup>th</sup> December, 1988 cannot be divorced from the subsequent final judgment dated 27<sup>th</sup> April, 2006. The interim protection was granted after possession had already been taken on 16<sup>th</sup> May, 1988, and upon disposal of the writ petition the interim order merged into the final judgment. The direction to maintain *status quo* must therefore be understood in the context of the factual position recognised in the final judgment.

38. No court has ever directed restoration of possession to the Petitioner. If the Petitioner seeks repossession or disputes the validity or effect of the possession proceedings, such relief must be pursued in appropriate substantive proceedings. A petition seeking correction of revenue records cannot be converted into a proceeding for recovery or restoration of possession.



39. BPCL was not impleaded as a party either in W.P.(C) 5944/2013, in which the judgment dated 28<sup>th</sup> October, 2014 was rendered, or in W.P.(C) 2988/2017, pursuant to which the Deputy Commissioner was directed to decide the Petitioner's representation. Despite being the beneficiary of the acquisition, having deposited compensation and being in possession according to the acquisition record, it was kept out of those proceedings. BPCL submits that the effect of such non-impleadment cannot be ignored. In this regard, reliance is placed on *Delhi Development Authority v. Bhola Nath Sharma*,<sup>7</sup> and *Mutha Associates v. State of Maharashtra*.<sup>8</sup>

40. The judgment dated 28<sup>th</sup> October, 2014 merely declared lapse of the acquisition proceedings on account of non-issuance of a fresh declaration under Section 6 within the prescribed period. The judgment did not examine issues concerning possession, utilisation of the land by BPCL, mutation effected in its favour in 1999, or restoration of possession to the Petitioner. It is therefore submitted that the said judgment cannot be relied upon either to dislodge BPCL's possession or to disregard the existing revenue entries.

41. Preparation of a possession memorandum or *panchnama* is a legally recognised mode of taking possession under the Land Acquisition Act, 1894. Once possession was taken under the urgency provisions on 16<sup>th</sup> May, 1988, the land vested free from encumbrances, and no further act of physical ouster or demolition was necessary to complete such vesting.

42. Reliance is also placed on sections 20, 21, 26 and 64 of the Delhi Land Revenue Act, 1954 to submit that the record of rights and annual

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<sup>7</sup> (2011) 2 SCC 54.

<sup>8</sup> (2013) 14 SCC 304.



register are required to reflect entries relating to cultivation, occupation and subsequent changes therein. The impugned order was passed in exercise of powers under Section 26 and is appealable under Section 64 before the Financial Commissioner. The present writ petition, therefore, ought not to be entertained in view of the efficacious statutory remedy available to the Petitioner. In this regard, reliance is placed on *Indraprastha Medical Corporation v. National Highways Authority of India*.<sup>9</sup>

43. Moreover, under the Delhi Land Revenue Act and the Delhi Land Reforms Act, possession has a material bearing on rights and liabilities relating to agricultural land. Revenue entries cannot be corrected in favour of a person who is not in possession, particularly where possession stands recorded in favour of another person or authority. Reliance, in this respect, is placed on *Balbir Singh v. A.D.M. (Rev.)*,<sup>10</sup> and *A.D.M (Rev.) v. Siri Ram*.<sup>11</sup>

44. BPCL also relies upon *Phoolwati & Ors. v. Ram Dei & Ors.*,<sup>12</sup> to submit that mutation in revenue records is concerned with possession of land and that artificial or unsubstantiated assertions of possession cannot be accepted. BPCL further relies upon *Chattar Pal v. Mandir Thakurdji*,<sup>13</sup> to submit that the mutation authority is required to examine who is in “lawful possession of the property” on the date of consideration. From these authorities, it is submitted that the District Magistrate rightly considered possession before declining correction of the revenue record.

45. BPCL distinguishes *Gojer Brothers* on the ground that the said case

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<sup>9</sup> 2009 (5) AD (Delhi) 586.

<sup>10</sup> 1995 SCC OnLine Del 6.

<sup>11</sup> (2000) 5 SCC 451.

<sup>12</sup> 2008 SCC OnLine Del 350.

<sup>13</sup> (2003) 10 SCC 360.



involved a specific direction for restoration of possession to the landowner. No such direction exists in the present case, nor has the Petitioner obtained any order directing delivery of possession by BPCL. Accordingly, **Gojer Brothers** cannot be relied upon to indirectly secure a possessory relief in the present proceedings

46. **Baldev Singh** is also distinguished by contending that possession was not in dispute there in the manner it is here. The revenue entries in the present case rest not merely on the acquisition proceedings, but also on possession allegedly taken in 1988, mutation effected in 1999, and continued use of the land by BPCL as part of the safety buffer surrounding the petroleum installation.

47. If the revenue entry is corrected in favour of the Petitioner, the Petitioner may use such entry to disturb BPCL's possession or to interfere with the safety buffer. The consequence may not be merely a private dispute over land but a serious safety issue affecting a petroleum installation.

#### ***Points of determinations***

48. On the pleadings and submissions, the following questions arise for consideration:

- (i) Whether the writ petition should be declined on the ground that the Petitioner has an alternative statutory remedy under the Delhi Land Revenue Act, 1954.
- (ii) What was the scope of the District Magistrate's authority while deciding the Petitioner's representation after the judgment dated 28<sup>th</sup> October, 2014 in W.P.(C) 5944/2013 and the order dated 15<sup>th</sup> January, 2018 in W.P.(C) 2988/2017.
- (iii) Whether the District Magistrate could refuse correction of the revenue



record by relying upon the *kabza karwahi* dated 16<sup>th</sup> May, 1988 and the existing revenue entry, after the acquisition proceedings concerning the subject land had been declared to have lapsed.

(iv) Whether BPCL's objections founded on possession, non-impleadment in the earlier proceedings, public safety, and the scheme of the Delhi revenue laws are sufficient to sustain the impugned order.

(v) What relief, if any, should be granted, particularly since the Petitioner does not seek a direction for delivery of possession in the present proceedings.

#### ***Maintainability and alternative remedy***

49. The objection founded on alternative remedy may be considered at the threshold. The Respondents are right in submitting that orders concerning mutation or correction of revenue entries are, in the ordinary course, amenable to the appellate structure contemplated under the Delhi Land Revenue Act, 1954. A writ court does not bypass a statutory remedy merely because a party has chosen to invoke Article 226 of the Constitution.

50. That rule, however, is one of judicial restraint; it is not a limitation on jurisdiction. The Supreme Court has consistently recognised that the existence of an alternative remedy does not bar the exercise of writ jurisdiction where the impugned order is without jurisdiction, violates principles of natural justice, proceeds in disregard of a binding legal position, or raises an issue which the statutory authority cannot effectively decide.<sup>14</sup>

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<sup>14</sup> *Harbanslal Sahnia v. Indian Oil Corporation*, (2003) 2 SCC 107; *Radha Krishan Industries v. State of Himachal Pradesh*, (2021) 6 SCC 771.



51. The present case is not a routine dispute concerning mutation entries between rival claimants. The Petitioner's grievance is that the revenue authority refused to give effect to a binding declaration of this Court that the acquisition proceedings in respect of the subject land had lapsed. The controversy, therefore, is whether an acquisition-based revenue entry can survive after the acquisition itself has ceased to exist in law.

52. Reliance placed on *Indraprastha Medical Corporation* by BPCL is thus misplaced. That decision arose in the context of disputed demarcation proceedings and questions of encroachment, where the demarcation reports themselves had not been challenged before the competent statutory forum. The present case stands on a different footing, since the controversy concerns the legal effect of a binding judicial declaration that the acquisition proceedings had lapsed. The issue also bears upon rights protected under Article 300A of the Constitution, the continuance of the impugned entries being sought to be justified on the basis of an acquisition which no longer survives in law.

***Effect of the judgment dated 27<sup>th</sup> April, 2006***

53. The judgment dated 27<sup>th</sup> April, 2006 must be read as a whole. BPCL's submissions draw strength from certain observations contained in that judgment, particularly in paragraphs 10 and 22. The Division Bench noticed the *kabza karwahi* dated 16<sup>th</sup> May, 1988, the Respondents' case that possession of a larger portion of the acquired land had been taken, and the fact that part of the acquired land had been utilised for the public purpose. BPCL is, therefore, right in submitting that the 2006 judgment cannot be read as if the possession proceedings of 16<sup>th</sup> May, 1988 were not noticed by this Court.



54. But that is not the end of the matter. The legal effect of a judgment is found not by isolating one observation but by reading the reasons with the operative directions. The Division Bench did not hold that the acquisition had become complete in all respects and that no further statutory act was required. On the contrary, it found the dispensation of enquiry under Section 5A to be legally unsustainable. It then preserved the notification under Section 4, permitted the Petitioners to file objections under Section 5A, directed the authorities to decide those objections in accordance with law after hearing the parties, and required the Respondents to proceed with the acquisition proceedings expeditiously and, in any case, within six months. The protection earlier granted to the Petitioners was also continued by directing the parties to maintain *status quo* unless otherwise ordered by a competent court.

55. If the acquisition had already stood concluded *qua* the Petitioner in a manner which made further statutory compliance unnecessary, there would have been no occasion to permit objections under Section 5A or to direct the authorities to proceed further in accordance with law. The judgment, therefore, did not put a quietus to the acquisition in favour of the acquiring authority or BPCL. It restored the statutory process to a stage at which the Petitioner's objections under Section 5A had to be considered and a further declaration under Section 6, if warranted, had to be issued within the period permitted by law.

56. The observations regarding possession and utilisation were made in the context of the prayer to quash the Section 4 notification as a whole. The Division Bench declined to set aside the entire acquisition at that stage because the public purpose had substantially progressed and the larger



acquisition had been acted upon. That reasoning cannot be transposed into a finding that the acquisition stood completed for all time, irrespective of whether the Respondents thereafter complied with the mandatory statutory steps. The Court preserved the Section 4 notification but insisted upon a lawful continuation of the process. The Respondents were therefore required to carry the matter forward from the Section 5A stage, which they did not do. The consequence of the Respondents' failure to carry the acquisition forward thereafter fell for consideration before the Division Bench in W.P.(C) 5944/2013.

***Effect of the judgment dated 28<sup>th</sup> October, 2014***

57. The judgment dated 28<sup>th</sup> October, 2014, in W.P.(C) 5944/2013 is the decisive event for the present controversy. The Division Bench was directly concerned with the subject land forming part of the present proceedings. The Court did not proceed on assumption. It called upon the Respondents to produce the relevant record in order to ascertain whether any declaration under Section 6 of the Land Acquisition Act, 1894 had been issued after dismissal of the appeal by the Supreme Court. Upon examining the record, the Court found that no such declaration had been issued. Applying ***Padmasundara Rao***, the Division Bench accordingly declared that the entire acquisition proceedings had lapsed.

58. That declaration must be given its full legal effect. The expression "entire acquisition proceedings" cannot be treated as an empty formality. Once the acquisition proceedings stood declared as lapsed, the acquisition could no longer furnish the legal basis for continuing the State or BPCL as owner, bhumidar or tenure-holder in the revenue record. Even if the entry was originally made on the footing that the acquisition was valid and



operative, it could not continue unchanged after the very foundation of that acquisition had ceased to exist in law.

59. Once the acquisition proceedings had been declared to have lapsed, the District Magistrate was bound to consider the Petitioner's representation on that basis. The direction issued by this Court on 15<sup>th</sup> January, 2018 to pass a reasoned order on the representation did not permit the District Magistrate to reopen or dilute the effect of the declaration of lapse.

60. The impugned order, however, proceeds on the basis that the earlier *kabza karwahi* dated 16<sup>th</sup> May, 1988 and the existing revenue entries rendered the judgment dated 28<sup>th</sup> October, 2014 effectively inapplicable to the subject land. Whether those documents could nevertheless sustain the impugned entries despite the declaration of lapse is the issue to which the Court must now turn.

***Whether the kabza karwahi could sustain the entry***

61. BPCL's reliance upon the *kabza karwahi* dated 16<sup>th</sup> May, 1988 cannot be dismissed as wholly irrelevant. The document forms part of the acquisition record and records that possession of substantial land was taken and handed over to BPCL. It was also noticed in the earlier round of proceedings. BPCL is therefore justified in contending that the District Magistrate could not altogether ignore the document.

62. The question, however, is not whether the *kabza karwahi* exists. Nor is the question whether a possession memorandum or *panchnama* can, in law, be a recognised mode of taking possession. There can be no quarrel with that proposition after ***Indore Development Authority***. The real question is narrower and different: after the acquisition proceedings concerning the subject land had been declared to have lapsed, could the *kabza karwahi*



continue to operate as the legal foundation for recording ownership or tenure in favour of the State or BPCL? In the Court's view, it could not.

63. A possession proceeding under the Land Acquisition Act is not an independent instrument of transfer. It does not operate as a conveyance in favour of the State or the beneficiary. It derives its legal efficacy from the acquisition in aid of which it is drawn. If the acquisition survives, the statutory consequences may follow. If the acquisition is declared to have lapsed, steps taken only as part of that acquisition cannot be used as though the acquisition still subsists.

64. The impugned order misses this distinction. It treats the *kabza karwahi* as though it has an existence independent of the acquisition. It then treats the revenue entry as though it has an existence independent of the *kabza karwahi*. Finally, it combines the two and proceeds on the footing that "it is the *kabza karwahi* and the entry of name of BPCL which will decide the ownership", and accordingly rejects the request for correction of the revenue entries.

65. Revenue entries are maintained primarily for fiscal and administrative purposes and may carry evidentiary value regarding possession, cultivation or revenue liability. They do not, by themselves, confer or extinguish title.<sup>15</sup> Moreover, a possession proceeding under a lapsed acquisition cannot become a substitute for acquisition. The source cannot survive after the foundation has gone.

66. This conclusion does not ignore the scheme of the Delhi Land Revenue Act, 1954 or the Delhi Land Reforms Act, 1954. Possession has significance under those statutes. The record of rights and the annual register



are meant to reflect persons cultivating or otherwise occupying land. **Balbir Singh** and **Siri Ram**, relied upon by BPCL, recognise the importance of maintaining revenue records in conformity with the actual position on the spot. BPCL's reliance on those authorities is, to that extent, well placed.

67. But those authorities do not answer the present case. They do not hold that a revenue entry founded upon acquisition may continue to show the State or the beneficiary as owner after the acquisition itself has been declared to have lapsed. They deal with the importance of recording possession in the revenue administration. They do not convert a possession entry into title, nor do they permit a revenue authority to maintain an acquisition-based ownership entry after the legal basis of the acquisition has disappeared.

68. Reliance placed on **Chattar Pal** is misconceived. That judgement emphasises that mutation authorities must consider who is in lawful possession at the relevant time. The emphasis, however, is on "lawful possession." In the present case, BPCL seeks to sustain the impugned entry on the footing that possession was taken under the acquisition proceedings and that mutation followed as a consequence thereof. Once the acquisition proceedings themselves were declared to have lapsed, the acquisition could no longer furnish the legal basis for continuing the impugned entry. **Phoolwati** also does not advance BPCL's case. That decision arose in the context of a civil suit involving challenge to a registered sale deed and a plea of adverse possession, and cannot be treated as authority for the proposition that an acquisition-based revenue entry may survive even after the acquisition itself has ceased to exist in law.

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<sup>15</sup> *Sawarni v. Inder Kaur & Ors.* (1996) 6 SCC 223.



69. Similarly, *Indore Development Authority* does not carry BPCL far enough. That judgment explains the mode and effect of taking possession under land acquisition law, but does not hold that a possession memorandum drawn under a lapsed acquisition may thereafter survive as an independent source of title or revenue ownership.

70. BPCL does not defend the impugned entry as an independent record of possession divorced from the acquisition proceedings. Its case is that possession was taken under the acquisition, the award was made, compensation was deposited or adjusted, and mutation followed as a consequence. The entry is thus sought to be sustained entirely on the basis of the acquisition itself. Once the acquisition proceedings had been declared to have lapsed, the District Magistrate could not continue to treat the *kabza karwahi* and the consequential revenue entries as determinative of ownership or tenure. The impugned order is vitiated not because it considered the *kabza karwahi*, but because it accorded that document a legal effect it could no longer sustain after the judgment dated 28<sup>th</sup> October, 2014.

***The field report and the contradiction in the impugned order***

71. The impugned order is also vulnerable because it fails to reconcile its own record. The District Magistrate noticed the field report dated 28<sup>th</sup> March, 2022 obtained from the revenue officials of Kapashera Tehsil. The report records that the subject land falls outside the boundary wall of BPCL. It further records that only the remaining area of Khasra Nos. 54//2/2/2 min (0-15) and 9 min (1-5), admeasuring approximately 2 bighas, falls within BPCL's boundary wall.

72. This finding did not, by itself, conclude the question of possession. BPCL may still contend that the land outside its boundary wall forms part of



a safety buffer or that possession had been taken earlier through the *kabza karwahi*. Equally, the Petitioner may rely upon the field report, the separate boundary wall, and the khasra girdawari entries to support his own claim of possession. The point for present purposes is narrower. Once the field report recorded that the Petitioner's claimed land fell outside BPCL's boundary wall, the District Magistrate could not, without further reasoning, describe possession and ownership of BPCL as undisputed.

73. The impugned order does precisely that. Despite noticing the field report, it proceeds to treat as an "undisputed fact" that possession had been taken by the revenue authorities and handed over to BPCL on 16th May, 1988. The conclusion is asserted rather than reasoned. The order does not explain why the *kabza karwahi* was treated as conclusive despite the subsequent field report, nor does it address the Petitioner's reliance on the separate boundary wall and the khasra girdawari entries. It also fails to explain how a seriously contested factual position came to be treated as undisputed.

74. A revenue authority deciding a representation for correction of entries was not required to conduct a full civil trial on title or possession. But it was required to give reasons consistent with the material before it. The authority could not record a field position which raises a serious doubt about BPCL's claim to physical control over the exact land, and then return a conclusion that assumes the contrary without explanation.

***Gojer Brothers and Baldev Singh***

75. The Petitioner relies on ***Gojer Brothers*** to submit that once acquisition proceedings lapse, a beneficiary cannot retain the land merely because possession may have been taken earlier. The principle is relevant,



but its application in the present case must be kept within the limits of the relief sought.

76. The Petitioner has clarified that no direction for delivery of possession is sought in the present proceedings. This Court, therefore, is not required to direct BPCL to hand over physical possession. Nor is it necessary to decide, finally and conclusively, who is in actual physical control of the whole or any part of the land. That controversy has factual and evidentiary dimensions. It can be pursued, if necessary, in appropriate proceedings.

77. **Gojer Brothers** nevertheless has relevance for a narrower proposition. Once acquisition proceedings lapse, continued control over land cannot be justified merely by referring to the lapsed acquisition. If a beneficiary or authority seeks to retain possession, regulate access or use the land, the source of that control must be traceable to some subsisting authority in law. The lapsed acquisition cannot itself remain the answer.

78. **Baldev Singh** is closer to the present case on the issue of correction of revenue records. There also, after acquisition proceedings became inoperative for want of a valid subsequent declaration, this Court directed correction of the revenue records. In the contempt proceedings which followed, the Court rejected the attempt of the revenue authorities to avoid correction by relying upon urbanisation and administrative objections. The principle which emerges is that once the legal basis of acquisition ceases to exist, the revenue record must be brought in conformity with that position.

79. BPCL is right in submitting that **Baldev Singh** did not involve the same intensity of dispute on possession as the present case. That distinction must be acknowledged. But the present judgment does not use **Baldev Singh** to decide possession. It uses **Baldev Singh** for the more limited proposition



that revenue authorities cannot preserve acquisition-based entries after the acquisition has become legally ineffective. On that principle, **Baldev Singh** supports the Petitioner.

***Non-impleadment of BPCL in earlier proceedings***

80. BPCL submits that it was not a party to W.P.(C) 5944/2013. That contention deserves fair consideration. BPCL was the intended beneficiary of the acquisition. It claims that compensation was deposited or adjusted at its instance. It further claims that possession had been handed over to it and that the land was being used as part of the safety buffer of its petroleum installation. In an appropriate case, a beneficiary of acquisition may be a necessary or at least a proper party. **Bhola Nath Sharma**, recognises that a beneficiary or local authority for whose benefit acquisition is undertaken may have a right to participate in proceedings affecting acquisition or compensation. **Mutha Associates** is relied upon for the principle that orders affecting a party's rights should not be passed behind its back.

81. Those principles do not assist BPCL in the present case. If BPCL was aggrieved by the judgment dated 28<sup>th</sup> October, 2014 on the ground of non-impleadment, its remedy lay in seeking appropriate relief before a competent court. What could not be permitted was for the District Magistrate, while deciding a revenue representation, to effectively treat the said judgment as inapplicable and thereby sustain an acquisition-based revenue entry despite the judicial declaration that the acquisition proceedings had lapsed.

***Possession and the limits of this judgment***

82. The present proceedings should not be allowed to drift into a possession suit. Both sides have placed substantial material on possession. BPCL has the *kabza karwahi*, the award, the assertion of utilisation and



buffer-zone use, and the observations in the 2006 judgment. The Petitioner has the interim orders of 1988 and 1990, the continuation of *status quo*, the 2014 lapse judgment, the field report showing the subject land outside BPCL's boundary wall, the plea of a separate boundary wall, and khasra girdawari entries up to 1994-95.

83. These materials are not all pointing in one direction. A final finding on physical possession, particularly present possession, may require evidence. The Petitioner's counsel has rightly stated that no direction for delivery of possession is sought in this petition.

84. This judgment is therefore confined to the legality of the impugned order and the correction of the acquisition-based revenue entry. It does not direct BPCL to deliver possession. It does not adjudicate any claim for damages, restitution, mesne profits, security access, buffer-zone entitlement or public safety control. Those matters are left open.

85. It must also be made clear that correction of the revenue record will not authorise either party to take law into its own hands. If the Petitioner claims access, cultivation or protection against obstruction, he must pursue the pending application or such other remedy as he may be advised. If BPCL claims that the land is essential for a petroleum safety buffer or that it is in lawful possession otherwise than through the lapsed acquisition, it too must seek relief in accordance with law. If the State or BPCL require the land for a public purpose, including safety of a petroleum installation, nothing prevents the State from initiating acquisition or any other lawful process.

### ***Conclusion and Relief***

86. For the reasons already indicated, the impugned order cannot be sustained. The defect is not merely one of inadequate reasoning or erroneous



appreciation of the record. The order proceeds on a legal premise which the District Magistrate was not entitled to adopt. It accordingly suffers from a jurisdictional error and is liable to be set aside.

87. The impugned order dated 3<sup>rd</sup> August, 2023 is accordingly quashed.

88. Respondent Nos. 1 and 2 are directed to correct the revenue record in respect of land comprised in Mustatil No. 54, Killa Nos. 2/2/2 min (1-09), 9 min (3-11), 10/1 (2-01), 12 (4-12) and 19/1 (0-14), admeasuring 12 bighas and 7 biswas, situated in the revenue estate of Village Bharthal, New Delhi, by removing the entry which records the State or BPCL as owner/tenureholder on the basis of the acquisition proceedings which have been declared to have lapsed, and by restoring the revenue record in accordance with the legal position obtaining prior to the acquisition, subject of course to any lawful subsequent order passed by a competent court or authority.

89. The correction shall be carried out within eight weeks from today.

90. It is clarified that this direction is confined to correction of the revenue entry flowing from the acquisition proceedings. It shall not be construed as a direction for delivery of physical possession to the Petitioner. It shall also not be construed as an adjudication that BPCL is or is not in actual physical possession of the subject land or any part thereof. All rights and contentions of the parties on actual possession, access, user, safety restrictions, restitution, damages, compensation, adjustment or recovery of amounts, and any fresh acquisition or other lawful process are left open.

91. Since an interim order protecting the Petitioner against dispossession has operated during pendency of these proceedings, and since the Court has not finally decided possession, the interim protection against forcible dispossession shall continue for 60 days from today. During this period,



neither side shall alter the existing physical position by force. The Petitioner may pursue such pending application or other remedy as may be available in law. After expiry of 60 days, the parties shall be governed by such orders as may be passed in appropriate proceedings and by remedies available under law.

92. BPCL's concern regarding safety of the petroleum installation is expressly left open. Nothing in this judgment prevents BPCL or the appropriate government from taking lawful measures for protection of the installation, for regulation of access in accordance with law, or for acquisition of the land, if so advised.

93. The writ petition is allowed in the above terms. Pending applications stand disposed of, with liberty to the parties to pursue appropriate remedies in accordance with law.

**SANJEEV NARULA, J**

**MAY 19, 2026/hc**