

**IN THE COURT OF SH. ALOK SHARMA, S.D.M./R.A.(VASANT VIHAR)**  
**OLD TERMINAL TAX BUILDING, KAPESHERA, DELHI-110037**

No. 1471-1474

Dated: 05/02/2014

CASE NO.99/RA/2007

Sant Ram

Applicant

vs.

Udmi & Ors

Respondent

Whereas suit under section 11 of the Delhi Land Reforms Act, 1954 for declaration of Bhumidari Rights was filed by applicant for declaration of bhumidar of 1/12<sup>th</sup> share in respect of land comprised in Khata Khatoni Nos. 36/29 and 37/30 in the revenue estate of village Rajokri alongwith application under order 39 Rules 1 & 2 and section 151 CPC for ad-interim ex-parte injunction.

Notices were issued to all respondents on 06/10/2007 for appearance in person or through pleader before this Court.

An application under section 151 CPC was filed by applicant for fixing an early date of hearing.

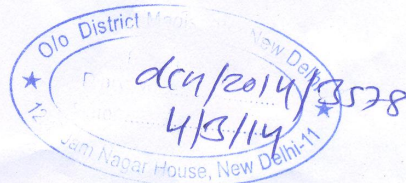
Vide order dated 04/01/2008 & 29/2/2008 directions were issued to Halka Patwari Village Rajokari through Tehsildar Vasant Vihar for keeping strict vigil on the suit land so that no construction is being raised.

Vide order No.1964-65 dated 19/5/2008 directions were issued to applicant for filing of amended suit as Khasra numbers 754/1(0-2) and 577/1(2-16) were to be excluded from plaint as Udmi had already sold the above two Khasra numbers and they have no bhumidari rights over the above two Khasra numbers.

Vide order No.13563 dated 07/07/2008 Halka Patwari Rajokari was directed to check the O-4 register with respect of all the Khasra numbers and submit report.

An application dated 10/5/2010, u/s 39 rule 1 and 2 read with section 151 CPC and section 83 of DLR Act for ad-interim injunction and directo to the SHO, was filed by applicant.

Vide order dated 10-5-2010 directions to SHO Vasant Kunj (South) were issued for keeping a strict vigil in the suit land and that no construction being raised.

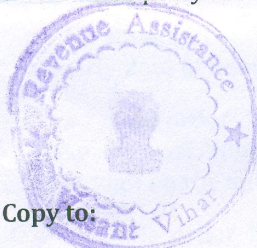


Application under Order 1 Rule 10 R/w 151 CPC & 190 DLR Act and application dated 23/7/2010 for day to day hearing was filed by Sh. Rajender Gupta. A reply dated 6/12/2010 was filed by Sant Ram.

A written Statement was filed by defendant No.11 Sh. Rajender Gupta and replication to the written statement of defendant No.11, 7, 8, 9, 11 and 21 was filed by the applicant Sh. Sant Ram.

An order dated 05/01/2013 was passed by this Court modifying order dated 25/2/2008 to the extent that the construction may be carried out strictly adhering to the sanction limits i.e. 99.99 meters and as per thalay out submitted and Halqa Patwari was directed to keep a vigil that no other construction or illegal activity is carried out other than the permission issued by M.C.D. It was also ordered that the orders dated 22/12/2012 be recalled.


The arguments on maintainability were heard in length on 06-04-2013, 22-7-2013, 03-08-2013 and 27-01-2014. After going through facts of the case and submissions on the matter, I am of the opinion that the present suit is not maintainable as the possession of the suit land has not been proved by the plaintiff beyond doubt. Neither the Khasra Girdwari for any time period nor anything else could be produced by the plaintiff. Plaintiff has also not produced any claim made to defendant No.1 prior to this suit which was filed in 2007 and defendant No.1 has relinquished his right and possession in 2001. Hence, the suit is dismissed. Parties are directed not to create third party interest for a period of 90 days from this order.



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1. The Tehsildar (Vasant Vihar), Sub-Division Vasant Vihar, New Delhi.
2. Applicant and Respondents.
3. Programmer, New Delhi District for uploading the order on the website.

  
(ALOK SHARMA)  
SDM/RA (VASANT VIHAR)

ALOK SHARMA  
SDM, Vasant Vihar  
Old Terminal Tax Building,  
Kapashera, New Delhi-37