



**IN THE COURT OF REVENUE ASSISTANT / SUB-DIVISIONAL MAGISTRATE (SAKET)
REVENUE DEPARTMENT : DISTRICT - SOUTH : GOVT. OF NCT OF DELHI
OLD TRAFFIC COURT COMPLEX : M. B. ROAD : SAKET : NEW DELHI**

**Case No. 01/RA/HK/2011
G. S. SATBARI V/S DEVENDER SINGH & ORS.**

No. 3068

16.28/11

ORDER

The proceedings in the present case were instituted u/s 81 of the Delhi Land Reforms Act, 1954 in the year 2011 for the land comprising Khasra Nos. 1117, 1118, 1119 in the revenue estate of **Village Satbari**. Accordingly, notices were issued to the respondent parties. The matter was taken up for hearing on several dates. M/s Hari Om Niketan Pvt. Ltd. filed their reply before the Court stating primarily agitating therein that they had purchased the land comprising Khasra No. 1117 in the year 2004 by way of registered sale deed, besides, the reply to the present proceedings was also filed in respect of Khasra No. 1117. There was no representation before the Court for the land comprising Khasra No. 1118, 1119. In due course, a Conditional Order dated 18.05.2012 was issued by the Court of the then RA/SDM (Hauz Khas) in the matter for land comprising Khasra No. 1118, 1119, specifically excluding the land comprising Khasra No. 1117 from the said order. In due course, a detailed reply was filed on behalf of M/s Hari Om Niketan Pvt. Ltd. The present case was transferred to this Court from the O/o SDM (Mehrauli), GNCTD on trifurcation of District - South and redefining of the jurisdictions of the concerned sub-divisions. Hence, fresh notices were issued in the matter. The matter was taken up for hearing on several dates. On 15.07.2014, the Gaon Sabha was represented by Shri V P Yadav, Advocate



[Handwritten signature]

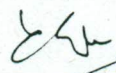
ASHISH KUMAR
Sub Divisional Magistrate
(Saket)
M. B. Road, Saket, New Delhi-68

and the respondent was represented by Shri Amit Mann, Advocate. The Counsel for the respondent agitated before the court that the matter has been pending since long and he is suffering due to the non-representation of the other party before the Court. He further requested that his matter may be decided expeditiously. Accordingly, the Halqua Patwari was directed to file a report on the present use of the suit land. On 24.07.2014, the G.S. was represented by Shri V P Yadav, Advocate and the respondent was represented by Shri Amit Mann, Advocate. The Halqua Patwari Report dated 21.07.2014, on the present use of the suit land was placed on record, which was perused by both the parties. After brief arguments, both the counsels agreed that the matter may be decided on merits.

Before proceeding further, it would be imperative to discuss the details of the Halqua Patwari Report dated 21.07.2014 which states that the land comprising Khasra No. 1117 is enclosed by a boundary wall, which consists of different types of vegetation and agricultural activities. As regards, the land comprising Khasra No. 1118, 1119 it has been reported that the Halqua Patwari was not allowed to visit the said land.

I, have considered all the material placed on record. The Halqua Patwari report dated 21.07.2014 discussed above do not report any non-agricultural use of the land comprising Khasra No. 1117. Besides, the boundary wall is not considered to be an activity changing the agricultural use of the land and is covered well within the definition of 'Improvement' provided u/s 3 (12) of the Delhi Land Reforms Act, 1954. Besides, the proceedings u/s 81 of the DLR Act, 1954 are meant to be summary proceedings and cannot be allowed to linger on for such long periods. In the present case, there is no representation on behalf of Shri Devender Singh & Ors. in respect of the land comprising Khasra Nos. 1118 & 1119. M/s Hari Om Niketan Pvt. Ltd. i.e. the Owner of the land comprising Khasra Nos. 1117 cannot be allowed to suffer due to non-representation of the other defendants owing to the fact that the said land was




ASHISH KUMAR
Sub Divisional Magistrate
(Saket)
M. B. Road, Saket, New Delhi-68


purchased by them much earlier than the present case was instituted. Hence, without going into the merits of the detailed reply filed by M/s Hari Om Niketan Pvt. Ltd., I, hereby drop the proceedings u/s 81 of the DLR Act, 1954 in respect of the land comprising Khasra no. 1117, Village Satbari, on the basis of the Halqua Patwari Report dated 21.07.2014, discussed above. Henceforth, the proceedings in the present case shall be continue only in respect of land comprising Khasra No. 1118, 1119, Village Satbari.

Ordered accordingly.

Let a copy of this order be sent to all concerned.

Given under my hand and seal of this court on this 27th day of July, 2014.




(ASHISH KUMAR)
REVENUE ASSISTANT, DM
SAKET DIVISION : DISTRICT SOUTH
Sub Division, Saket
(Saket)
M. B. Road, Saket, New Delhi-65

Copy to :-

1. The B.D.O. (South), GNCTD, M. B. Road, Saket, New Delhi.
2. The Tehsildar (Saket), GNCTD.
3. M/s Hari Om Niketan Pvt. Ltd., 3, Middle Road, Hastings, Kolkata - 700 022.
4. The Halqua Patwari (Satbari), for records.
5. The Programmer O/o DM(South), GNCTD with the direction to upload the present order on the official site of District - South.