



**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. 026/RA/HK/2001
G. S. CHATTARPUR V/S SHASHI KANT**

No. 3069

dt. 28/7/14

ORDER

This order shall dispose-off the proceedings u/s 81 of the Delhi Land Reforms Act, 1954 in respect of the land comprising Khasra Nos. 2/2min (00-12), 2/2 (00-11) in the revenue estate of **Village Chattarpur**.

The proceedings in the present case were instituted in the year 2001. Accordingly, notices were issued to the respondent parties. In due course, an ex-parte Conditional Order dated 08.03.2002 was passed in the matter and later on vide Order's dated 31.10.2002, the suit land was vested with Gaon Sabha. In the year 2011, an application under Appendix VI Rule 14 of Delhi Land Reforms Rules, 1954 was filed by the respondent party for recalling the Orders dated 08.03.2002 & 31.10.2002. Accordingly, notices were issued to the concerned. The matter was further taken up for hearing on several dates. 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. On receipt of a requisition from the Court of Collector / District Magistrate (South), the present case file was consigned on 24.09.2013, which was received back on 23.06.2014, wherein via a copy of proceedings of the Court of DM/Collector (South) dated 27.05.2014 it was revealed that the respondent had simultaneously filed an Appeal before the Court of Collector/DM in the year 2011. Now, the respondent preferred to withdraw his



Appeal from the Court of DM/Collector (South) and contest his review application under Appendix VI Rule 14 of DLR Rules, 1954 before this Court. Accordingly, fresh notices were issued to the concerned. On 08.07.2014, the application under Appendix VI Rule 14 of the DLR Rules, 1954 was allowed on the grounds that the Orders dated 31.10.2002 was an ex-parte Order and besides, the notices in the present case were issued at M-86, Connaught Circus, New Delhi, while the address of the respondent is N-86, Connaught Circus, New Delhi. Thus, the service reports clearly show that the notices were never served upon the respondent. Further, the present status report on the suit land was called from the Halqua Patwari. The matter was finally taken up on 24.07.2014 wherein the Gram Sabha 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, placed on record was perused by both the parties. After brief arguments, both the counsels agreed that the matter may be decided on merits.

I, have considered all the material placed on record. The proceedings in the present case were instituted in the year 2001, but there is no Halqua Patwari Report available on file. However, the Conditional Order dated 08.03.2002 reveal that the case was instituted on the basis of Halqua Patwari Report that the suit land is being used for non-agricultural use. However, in the absence of the report the same cannot be appreciated/considered before passing of final orders. Hence, the only option left before this Court at this stage is to decide the case on the basis of the present land status report. The Halqua Patwari Report dated 21.07.2014 mentions that the suit land is enclosed within a boundary wall, which consists of a small Guard Room and rest of the land is being used for cultivation & other purposes related to agriculture.

The report discussed above, clearly show that the suit land is being used for agricultural purposes & purposes which are allowed under the provisions of



the Delhi Land Reform Act, 1954 & rules framed thereunder. Besides, the existence of boundary wall & servant quarters, is considered to be covered well within the definition of 'IMPROVEMENT' provided u/s 3 (12) of the Delhi Land Reforms Act, 1954.

Hence, in view of the above discussed, I, hereby drop the present proceedings u/s 81 of the Delhi Land Reforms Act, 1954 in respect of the suit land.

Ordered accordingly.

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

Given under my hand and seal of this court on this 28th day of July, 2014.



**(ASHISH KUMAR)
REVENUE ASSISTANT / SDM
SAKET DIVISION : DISTRICT SOUTH**

Copy to :-

1. The B.D.O. (South), GNCTD, M. B. Road, Saket, New Delhi.
2. The Tehsildar (Saket), GNCTD.
3. Shri Shashi Kant R/o N-86, Connaught Place, New Delhi - 110 001.
4. The Halqua Patwari (Chattarpur), for records.
5. The Programmer O/o DC (South), GNCTD for uploading the present order on the official site of the District - South.