

I have gone through the records carefully. This land was already vested in Gram Sabha vide case No.255/RA/M/2013 dated 13.12.2013 after giving 3 months time after conditional order & vide another case No.277/RA/Meh/ dated 23.08.2014 again a conditional order for vesting has already been issued. Through the earlier order vesting the same was set aside on a technical ground that Halqua Patwari report was not taken before vesting & no notices were served upon the respondent earlier, now both these conditions have been satisfied.

Hence, though the earlier absolute order vesting the land into Gram Sabha was set aside, the earlier conditional order to the respondent to convert the land back to agricultural use remained in force.

The matter is taken up on 20.09.2014. The adequate opportunity has been accorded to the respondent to put forth their side.

It is seen from the photographs that the land is being rampantly colonized in spite of not one, but 2/3 conditional orders. Hence I do not consider it legally necessary to give 3 months time to the respondent to reconvert the land back to the agricultural use, rather it would defeat the purpose of the act to ensure the agricultural use. Rampant colonization is already happening & continues to happen as per the report of Halqua Patwari and as per the local knowledge of the u/s by leveling the land by filling the ravines around the G-Block of Aya Nagar, for which recently Hon'ble High Court has asked to file a written statement by the Chief Secretary & Commissioner of Police of Delhi, I am of the considered opinion that immediate absolute vesting of the land is absolutely necessary as per the letter & spirit of the DLR Act 1954.

I have perused the documents/patwari report dated 17.9.2014 placed on record and the suit land has been put to non agricultural use and still the misuse exists. Therefore the conditional order dated 23.08.2014 is hereby made absolute and the suit land is vested in the Goan Sabha. The respondent are ejected there from.

Tehsildar(Mehrauli) to ensure that the entries regarding vesting the land into Gaon Sabha be recorded in revenue records immediately.

File be consigned to record room.

Announcement in the open court and given under my hand and seal of this court on this 20<sup>TH</sup> September, 2014.



*Onkar Marathe*  
20/09/2014

( ONKAR MARATHE )  
REVENUE ASSISTANT/SDM(MEHRAULI)

TO

1. BDO(South) to take immediate possession of the land and recover the cost of reconversion of the land back to the agricultural use from the respondent.
2. Tehsildar(Mehrauli)
3. Sub Registrar(VA), Mehrauli, New Delhi.
4. DIO & Programmer, NIC(Distt South) with a request to upload the order on the DC(South) Revenue website..
5. Respondent through Halqua Patwari.

*Appt. Programmer,  
for urgent new entry  
acting M*

*14/10/14*

*10/10*

**IN THE COURT OF REVENUE ASSISTANT/ SDM(MEHRAULI)  
OLD TEHSIL BUILDING,MEHRAULI,NEW DELHI**

Case No. 255B/255//RA/M/13/ 9/97-9201

Dated:- 24/9/14.

IN THE MATTER OF :

GAON SABHA,AYA NAGAR

VERSUS

DHARAM PAL & ORS  
20.09.2014

Present Sh. Pankaj Vivek, Advocate for respondent.  
Present Sh. B.S.Awana, GPA Holder of Smt. Sudha Nagar.

**ORDER**

This order shall dispose off the proceedings initiated u/s 81 of the DLR Act, 1954 in respect of land comprised in khasra No. 1378min(3-16), 1379(4-16), 1380(4-16), 1381(4-16), 1382(4-16), 1383(4-16), 1384(4-16), situated in the revenue estate of village Aya Nagar, New Delhi.

The proceedings in this case were initiated on the basis of the report submitted by Halqua Patwari dated 27.2.2013 reporting therein that agricultural land bearing above mentioned khasra Nos is being used for non agricultural purposes. The above land is under the bhumidari of respondents.

Notice dated 20.3.2013 was issued for 25.3.2013 to respondent to plead their case. On 25.3.2013 and subsequent hearings none appeared. On dated 11.12.2013 case was heard none present for respondent the land vested in Gram Sabha. Counsel for respondent filed an application under Appendix VI Rule 14 DLR on dated 17.2.2014. On dated 21.2.2014 case heard and application was allowed.

Various hearings have taken place on 12.05.2014, 16.7.2014, 23.08.2014, 30.8.2014 & 06.09.2014. Conditional order for vesting was reissued on 23.08.2014.

Advocate Sh. Pankaj Vivek present for respondent. None for Gram sabha. Halqua Patwari has submitted a report alongwith photographs, stating clear built up areas in all khasra nos.

In response to the absolute vesting order in the case No.256/RA/M/13, the counsel says that as per provisions of Sn 82 of the DLR Act 1954, atleast 3 months notice is required to be given after a conditional order. Hence, the land may not be vested.

*MM*

