



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: 0SAKET: NEW DELHI

No: 237

dt: 02/08/2016

Case No. 87/RA/SAKET/2015
G. S. SATBARI VS PRIYA THAPAR

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. 628min(04-06), 629(04-16), in the revenue estate of **Village Satbari**.

Whereas, the proceedings in the present case were instituted 2015 by the court of the then Revenue Assistant/SDM (Saket), GNCTD on the basis of a complaint of unauthorized construction and subsequent report of the Halqua Patwari received through the then Tehsildar dated 16/03/2015 wherein it was reported that the suit land is being used for non-agricultural purposes by way of construction of a boundary wall and plotting.

And whereas, L.R.Form-48 dated: 23-03-2015 were issued to the recorded owner of the land. The matter was taken up for hearing on several occasions and thereafter on 04/09/2015, a Conditional Order was issued in the matter with the direction to the respondent to convert back the suit land to agricultural use within a period of 03 months. Thereafter, the suit land was vested in Gaon Sabha vide the Revenue Assistant / SDM order dated: -25/01/2016 ex-parte, since there was no representation from the respondent.

And whereas, the applicant Sh.V.K.Babbar filed an application under order Appendix 6 Rule 14 of Delhi Land Reforms Rules, 1954 read with section 151 of CPC. Accordingly, the said applications were decided in favour of applicant in the interest of justice and an opportunity was granted to defend the case on merit.

And whereas, the records show that a detailed reply to the present proceedings was filed on behalf of the respondents on 22/07/2016. The matter was taken up for hearing on several dates. The Gaon Sabha's counsel also filed rejoinder to the reply filed by the respondent. In the meantime, the Halqua Patwari report was sought on the present use of the suit land.

And whereas, the matter was last taken up for hearing on 30/07/2016, the respondents were represented by V.K. Babbar, and Gaon Sabha was represented by Shri V.P.Yadav, Advocate. The Halqua Patwari's report dated: 21/07/2016 placed on record which was perused by both the parties. Both the parties agreed that the matter may be decided on the basis of written submissions and Halqua Patwari's report dated:- 21/07/2016.

And whereas, it is relevant to highlight *section 3(12)* of Delhi Land Reforms Act, 1954 which defines the word "*improvement*" with reference to a holding- (i) "a dwelling house erected on the holding by the tenure holder for his own occupation or any other constructions erected or set up by him on the holding for purposes connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming."

Kulam



And whereas, mere construction of a building on every agricultural land does not convert it into non-agricultural land. In section 3(13) of the Delhi Land Reforms Act, 1954 land is defined to include land occupied for purposes connected with agricultural and includes buildings.

And whereas the section 81 of Delhi Land Reforms Act, 1954 states that "A bhumidhar or an Asami shall be liable to ejection on the suit of the Gaon Sabha or the land holder, as the case may be, for using land for any purpose other than a purpose connected with agriculture, horticulture or animal husbandry, which includes pisciculture and poultry farming and also to pay damages equivalent to the cost of works which may be required to render the land capable of use for the said purposes."

And whereas, after examining all the material placed on record including the Halqua Patwari's report dated: 21/07/2016, it has come to the notice that the suit land is enclosed within a boundary wall, and rest of the land is reported to be used for agricultural purposes or purposes connected with agriculture. The boundary wall is covered under the provisions of Section 3(12) of the Delhi Land Reforms Act, 1954 as explained above.

In view of the above discussion and the material placed before me, and after examining the oral/ written submissions, I am of the considered opinion that the suit land is being predominantly used for the agricultural purposes or purposes connected with agricultural in consonance with the provisions of the Delhi Land Reforms Act, 1954. Hence, the proceeding u/s 81 of the DLR Act, 1954 in respect of the suit land is therefore dropped.

Announced in open court on 02/08/2016.

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

Given under my hand and seal of this court on this 02/08/2016.



Vikas Ahlawat
(VIKAS AHLAWAT)
REVENUE ASSISTANT/SDM
SAKET DIVISION: DISTRICT SOUTH

VIKAS AHLAWAT, DANICS
Sub-Divisional Magistrate
(Saket)

M. B. Road, Saket, New Delhi-68

Copy to:-

1. The B.D.O. (South), GNCTD, M.B.Road, Saket, New Delhi.
2. The Tehsildar (Saket), GNCTD.
3. Priya Thapar, Village, Satbari, New Delhi.
4. The Halqua Patwari (Village Satbari), with the direction to serve this order on the suit land by way of pasting at some conspicuous place and as per the correction of the records.
- ✓ 5. The Programmer, O/o DM (South), GNCTD with the request to upload this order on the department site.