



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

No=162

Case No. 592/RA/HK/2003

DT- 29/2/16

G. S. CHATTARPUR VS SHYAM JAITELY



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. 1812, 1837, in the revenue estate of **Village Chattarpur**.

Whereas, the proceedings in the present case were instituted in the year 2003 by the court of the then Revenue Assistant/SDM (Hauz Khas), GNCTD on the basis of a reply given to Lok Sabha's USQ No. 3163 that the suit land is being used for non-agricultural purposes by way of construction of a boundary wall.

And whereas, L.R.Form-48 dated: 23-09-2003 were issued to the recorded owner of the land. The matter was taken up for hearing on several occasions and thereafter on 23/10/2015, 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.

And whereas, the present case was received in this court from the O/o SDM (Mehrauli) on trifurcation of the Revenue District-South thereby redefining the jurisdiction of all sub-divisions. Accordingly, fresh notices were issued in the matter. The matter was taken up for hearing on several dates. In the meantime the Halqa Patwari report was sought on the present use of the suit land.

And whereas, the respondent's counsel submitted that the respondents had carried out construction long back, much before the institution of the present proceeding. Hence the present proceeding is barred by the law of limitation. It is further submitted that the respondent carried out some improvement for the agricultural and connected purposes, which is covered under 3 (12) of the DLR Act.

And whereas, the perusal of the provision of the schedule clearly makes the present proceeding as time barred and the court do not have the jurisdiction to entertain the present proceedings. It is submitted that under the law of limitation, no court has jurisdiction to entertain any suit after the expiry of the limitation

Mehrauli



period. It is submitted that under section 190 of the Delhi Land Reforms Act clearly makes applicable the provision of the Indian Limitation Act, 1963 to the proceeding under the DLR Act, 1954.

It is submitted that section 3 of the Limitation Act, 1963 says that subject to the provisions contained in section 4 to section 25, every suit instituted after the prescribed period of limitation shall be dismissed.

And whereas, the matter was last taken up for hearing on 25/02/2016, The Halqua Patwari's report dated: 09/02/2016 placed on record was perused by both the parties. Both the parties agreed that the matter may be decided on merits.

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."

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, as per the Halqua Patwari's report dated:- 02/09/2016, there exists a Kothi on an approx. area of (0-10) over Khasra No. 1812(04-16) and on an approx. area of (0-05) over Khasra No. 1837 (04-16) out of the suit land, and rest of the land is reported to be used for agricultural purpose or purposes connected with agriculture only. The construction mentioned in report is covered within the definition of improvement as per *section 3(13)* of the Delhi Land Reforms Act, 1954.

In view of the above discussion, going through the oral/written submissions and after examining the material placed before me including the Halqua Patwari's report dated:- 09/02/2016, I am of the considered opinion that the suit land is being predominantly used for agricultural purposes or purposes connected with



agriculture in consonance with the provisions of the Delhi Land Reforms Act, 1954 and moreover the present proceedings are also barred by limitation. 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 29/02/2016.

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

Given under my hand and seal of this court on this 29/02/2016.



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. Sh. Ravi Jaitely, Ashok Jaitely and Jyotsna Singh, All Legal heirs of Late Mrs. Shyam Jaitely w/o Sh. Hari Ram Jaitely R/o 4, Maple Avenue, DLF Chattarpur, New Delhi.
4. The Halqua Patwari (Village Chattarpur), 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.