



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. 244

Case No. 120/RA/SAKET/2015
G. S. CHATTARPUR VS SMT. VIMLA DEVI

d-1: 09/08/16

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. 1291(04-16), 1294/2(03-16), in the revenue estate of **Village Chattarpur**.

Whereas, the proceedings in the present case were instituted 2015 by the court of Revenue Assistant/SDM (Saket), GNCTD on the basis of a report of the Halqua Patwari dated 30/11/2015 wherein it was reported that the suit land is being used for non-agricultural purposes.

And whereas, L.R.Form-48 & Restraintment order dated: 01/12/2015 were issued to the recorded owner of the land. The matter was taken up for hearing on several occasions.

And whereas, the respondent submitted that the present proceeding is barred by period of limitation. It is submitted that no new construction has been done at site. The dwelling house has been in existence for more than three years prior to institution of the present proceeding and the same has been renovated. The property tax assessment order of the MCD dated :-14/06/2010 has also been filed by the respondent.

And whereas, it was further submitted that the notice is time barred and not at all maintainable as the dwelling house with warehouse(s) (approx. 600 Mts.) were constructed on the said property in the year 2009 under the provisions of Delhi Land Reforms Act, 1954. It is respectfully submitted that no illegal construction is being done at the aforesaid property. The approx. 600 Mts old construction which includes a dwelling house and warehouse(s) at the said premises is being renovated which was in a dilapidated condition.

And whereas, the matter was last taken up for hearing on 04/08/2016, the respondents were represented by Sh. Mukesh Gupta Advocate and Gaon Sabha was represented by Shri V.P.Yadav, Advocate. The Halqua Patwari's report dated: 02/08/2016 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, after examining all the material placed on record including the Halqua Patwari's report dated 06/07/2016, it has come to the notice that the suit land, has a structure on an area of (00-06), servant quarter's and guard room on an area (00-02) approx and rest of the land is reported to being used for agricultural purposes or purposes connected with agriculture.

In view of the above discussion and the material placed before me, I am of the considered opinion that the suit land is being predominantly used for the agricultural purposes or purposes connected with agriculture 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 09/08/2016.

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

Given under my hand and seal of this court on this 09/08/2016.



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

VIKAS AHLAWAT, DANICS
Sub-Divisional Magistrate
(Saket)

Copy to:-

- ✓ 1. The B.D.O. (South), GNCTD, M.B.Road, Saket, New Delhi. B. Road, Saket, New Delhi-68
2. The Tehsildar (Saket), GNCTD.
3. Sh. Vimla Devi, Village, 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.
- ✓ 5. The Programmer, O/o DM (South), GNCTD with the request to upload this order on the department site.