

  
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. 230

Case No. 616/RA/HK/2003  
Case No. 64/RA/HK/2011

dt: 11/07/16

G. S. CHATTARPUR VS SMT. PREM MEHRA  
&  
G.S.CHATTARPUR VS MS ORANE BUILDWELL PVT.LTD.

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. 1617/2, 1618, 1622, 1623, 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.

And whereas, on some Khasra Nos. another Case i.e. 64/RA/HK/2011 was instituted on 2011 for similar violations and accordingly both the matter were clubbed and heard together.

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 31/08/2015, 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.

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 and conditional order was made absolute. Thereafter, an application under 6 Rule 14 was filed in the matter which was allowed on 19/05/2016 with a direction to file detail reply to the main proceedings. The Counsel for Gram Sabha had no objection to the application filed by the applicant.

*Alam*  
And whereas, the respondent submitted that the respondents had carried out construction long back, much before the institution of the present proceeding and it is further submitted that only the repair and maintenance work was carried out recently i.e. in the year 2011. Hence the present proceeding 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. The respondents constructed dwelling unit which is duly sanctioned by the concern department and further had planted many trees surrounding the land. Beside the same there are plantations of the fruit trees like lemon, sahtoot, mango, guava, papaya etc.

And whereas, the matter was last taken up for hearing on 09/06/2016, the respondents were represented by Sh.B. Tripathy Advocate and Gaon Sabha was represented by Shri V.P.Yadav, Advocate. The Halqua Patwari's report dated: 03/06/2016 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: 03/06/2016, it has come to the notice that has a dwelling unit on an area of (00-07) over khasra No. 1618(04-16), and a kothi on an area (00-05) over Khasra No. 1623(04-16), and rest of the land is reported to be used for agricultural purposes or purposes connected with agriculture. The existence of dwelling unit and 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 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 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 11/07/2016.

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

Given under my hand and seal of this court on this 11/07/2016.



*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. Smt. Prem Mehra 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.