



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. 218

Dated: 09/06/2016

Case No. 15/RA/HK/2011

G. S. SATBARI VS K.D.WALA & ORS.

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. 840/2min (02-00) out of Khasra No. 840/2min (04-03) in the revenue estate of **Village- Satbari**.

Whereas, the proceedings in the present case were instituted in the year 2011 by the court of the then Revenue Assistant/SDM (Halua Khas), GNCTD on the basis of a report of the halqua patwari received through the then Tehsildar that the suit land is being used for non-agricultural purposes.

And whereas, L.R.Form-48 dated: 05/04/2011 were issued to the recorded owner of the land. The matter was taken up for hearing on several occasions and thereafter on 16/08/2011, 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 records show that no compliance was filed before the court in respect of the conditional order dated 16/08/2011. 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 Halqua Patwari report was sought on the present use of the suit land.

And whereas, an application was filed under Order 1 Rule 10 (2) Civil Procedure Code by Sh. Saurabh Gupta S/o Vijay Gupta, wherein it was informed that Khasra No. 840/2min (02-00), out of Khasra No. 840/2min (04-03) was purchased by him from Sh. Ravinder Sharma vide agreement to sale No. 37582 dated: 19/09/2009, who in turn purchased the same land from K.D. Churiwal. The authorised representative of the applicants Sh. B.Tripathy, Advocate appeared and pleaded hard that in view of the changed situation, the applicants may be impleaded as separate party in respect of their ownership. The Counsel for Gram Sabha raised no objection to the request for impleadment as a necessary/ separate party. Accordingly, after perusing the material in record, the application for impleadment was allowed under the provisions of Order 1 Rule 10 (2) Civil Procedure Code. Thereafter, the authorised representative of the applicants Sh. B.Tripathy Advocate filed a detailed reply to the main proceedings.

And whereas, the matter was last taken up for hearing on 04/06/2016, the respondents were represented by Sh. B.Tripathy Advocate, and Sh. V.P.Yadav, Advocate, represented Gaon Sabha. The Halqua Patwari's report dated: 31/05/2016 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: 31/05/2016, it has come to the notice that the khasra no.840/2 (02-00), out of Khasra No. 840/2min (04-03) has dwelling unit on an area of (00-07) approx. and rest of the land is reported to being used for agriculture purposes or purposes connected with agriculture.

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:- 31/05/2016, I am of the considered opinion that the khasra no.840/2 (02-00), out of Khasra No. 840/2min (04-03) in respect of Sh.Saurabh Gupta, respondent is being predominantly used for 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 is therefore dropped. Henceforth, the proceedings in the respect of remaining khasra of present case shall continue in respect of suit land in the ownership of K.D.Wala & Ors.

Announced in open court on 09/06/2016.

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

Given under my hand and seal of this court on this 09/06/2016.



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

Copy to:-

1. The B.D.O. (South), GNCTD, M.B.Road, Saket, New Delhi.
2. The Tehsildar (Saket), GNCTD.
3. Sh. Saurabh Gupta S/o Sh. Vijay Gupta Village Satbari, New Delhi.
4. The Halqua Patwari (Village Satbari), for records.

VIKAS AHLAWAT, DANICS
Sub-Divisional Magistrate
(Saket)
M. B. Road, Saket, New Delhi-68