



IN THE COURT OF REVENUE ASSISTANT (MEHRAULI)
OLD TEHSIL BUILDING MEHRAULI NEW DELHI-110030

Case No.610/RA/Mehrauli/2015/

016-21
29/8/16

U/s of 81 DLR Act, 1954.

In the matter of

G.S MEHRAULI

Vs

DYTOP COMMODEAL LIMITED

ORDER

This order will dispose of the proceedings under section 81 of the DLR Act in respect of the land comprised in no. 81/2/2 (0-17), 9/2 (3-2), 12/2 (3-5), 2/1 (0-12), 2/3 (0-8), 7 min (1-2), 8 min (0-16), 9/1 (0-14), 12/3 min (0-14), 13 min (0-4), 14 min (0-5), 27 (0-6) village Mehrauli, Tehsil Mehrauli, New Delhi.

Brief facts

The proceedings under section 81 of DLR act were instituted on the report submitted by the Halka Patwari in which it was mentioned that the land is being used for purpose other than a purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture or poultry farming.

Notice was issued in the form of LR 48 on 22/05/2015 to the respondent why action under section 81 DLR should not be initiated against the Bhumidar i.e. Dytop Commodeal Ltd.

The respondent put appearance and filed written version on 01/08/2016. The respondent has taken various stands stating that since Mehrauli village has been urbanized therefore this court does not have any jurisdiction. Respondent further

submitted that as per section 507 of DMC act, the urbanized village of Delhi would fall within the jurisdiction of Municipal Corporation and not before this court. Respondent also submitted that village Mehrauli has been notified as urbanized village therefore the Delhi Land Reform act is not applicable on the land falls in Mehrauli village. Respondent also cited one judgment passed by Hon'ble High court of Delhi titled as **Indu Khurana & Lt. Governor Of Delhi**. Respondent also submitted that SLP of the Govt. against the Judgment, delivered by **Hon'ble High court of Delhi titled as Indu Khurana & Lt. Governor Of Delhi, has been dismissed** therefore the proposition laid down by Hon'ble High court of Delhi in case titled as Indu Khurana & Lt. Governor Of Delhi was accepted by Hon'ble Supreme court.

The respondent further submitted that it had applied before MCD for sanctioning his site plan and thereafter site plan was sanctioned by the MCD vide sanction letter no. 146/A/HQ/2006/M183AEIV dated 7.2.07 and the date of completion of construction was 6.2.12. Respondent claimed that from this it is also clear that Gaon Sabha has no jurisdiction in this regard in view of the sanction letter.

The respondent's counsel also claimed benefit of time barred because construction was made prior to 2010. That proceedings initiated by the Gaon Sabha are bad as it is time barred. The said case is barred as per DLR Act. In case titled as Goan sabha Samhalaka Versus R N Sahni no proceedings under section 81 of DLR act can be instituted after three years from the date of arising of the cause of action/alleged misuse of land. Respondent submitted that as per revenue record there exist one Kothi on the said land from the year 2010 onwards however the proceeding were initiated in year 2015. Respondent proved the same by virtue of Khasra Girdawari for the period of 2011 to 2016 to show that the proceedings were instituted after a period of three years from the date of the construction hence the said proceedings are time barred.

The matter was heard at length on 26.8.16, Sh. V P Yadav (Advocate) was present for Gaon Sabha. Sh. Ravinder Singh (Advocate) was present for respondent.

Sh. V P Yadav supported the stand of Gaon Sabha.

After going through reply submitted by the respondent and judgment cited by the respondent, I am of the view that this court is not having any jurisdiction to entertain the present case therefore I D S verma, SDM/RA (Mehrauli) drop the proceedings against the bhumidar i.e. Dytop Commedeal Ltd.

Announced in open court on 29/08/2016.

File be consigned to record room.

Given under my hand & seal of this court on this 29th day of August, 2016.



(D.S. Verma)

REVENUE ASSISTANT (Mehrauli)

Copy to:-

1. Dy. Commissioner, South Delhi Municipal Corporation, Green Park New Delhi. For taking action under DMC (Act). If needed the concerned Halwua Patwari may be contacted for identifying he site.
2. The B.D.O. (South), GNCTD, M.B. Road, Saket, New Delhi.
3. The Tehsildar (Mehrauli), GNCTD.
4. M/s Dytop Commedeal Limited and M.P. Aggarwal, Director, 66 G.T. Road, Lilvaha, Howarh
5. The Halqua Patwari of village Mehrauli for records.
6. The Programmer O/o District Magistrate (South), GNCTD, with the direction to upload the present order on the official site of the department.