



IN THE COURT OF REVENUE ASSISTANT / SUB-DIVISIONAL MAGISTRATE (MEHRAULI)
REVENUE DEPARTMENT : DISTRICT – SOUTH : GOVT. OF NCT OF DELHI
OLD TEHSIL BUILDING : MEHRAULI : NEW DELHI

Case No. 585/RA/Meh./2014
G. S. JONAPUR VS VIKRAM B. SHARMA & ORS.

022-26
29/8/16

ORDER

This order shall dispose-off the proceedings under section 81 of the Delhi Land Reforms Act, 1954 against the abovementioned respondents, for the agricultural land comprising **Khasra Nos. 19//11** total measuring (04-16) situated in the revenue estate of village Jonapur, New Delhi.

The proceedings in the present case were instituted in the year 2014 by the Court of the then Revenue Assistant/SDM (Mehrauli), GNCTD on the basis of a complaint received from one Smt. Sunita. On receipt of the complaint, the Halqua Patwari was directed to file a report and on receipt of the Halqua Patwari Report dated 02.01.2014 through the then Naib Tehsildar (Mehrauli), the present proceedings were instituted and accordingly LR-48 & a Restraint Order were issued to the concerned. The matter has been taken up for hearing on several dates. The respondent in the present case, since the inception has always denied the charge for use of suit land for non-agricultural purposes. On forceful denial by the respondent, the Halqua Patwari was directed to file a fresh report on the present use of the suit land. Accordingly, the Halqua Patwari filed a report dated 25.07.2016, wherein, it was reported that the suit land is within a boundary wall containing a half built-up structure at (00-10), servant quarter & tin shed at (00-04) and rest of the land was reported to being used for agricultural purposes. During the subsequent proceedings, a copy of a Sale Deed was filed by the respondent as proof of old construction on the suit land, due to which on apprehensions, a fresh report was called from the Halqua Patwari. The latest report in the present case was filed by the Halqua Patwari on 20.08.2016, wherein, it was

reported that the unauthorized constructions reported in the present matter till date pertain to the holding of M/s Darbhanga Estate Pvt. Ltd., while the land under possession of Shri Vikram B. Sharma & Shri Vikas B. Sharma was reported to be within a boundary wall, containing a dwelling unit at (00-06) which seems to be approximately 06-08 years old and rest of the land was reported to being used for agricultural purposes & purposes connected to agriculture. The matter was finally taken up for hearing on 22.08.2016, wherein, the Gaon Sabha was represent by Shri V P Yadav, Advocate and the respondent party was represented by Shri Mahesh Chaudhary. The Halqua Patwari report dated 20.08.2016 placed on record for the present use of the suit land was perused by both the parties. After brief arguments, both the counsels agreed that the matter may be decided on merits.

Before proceeding any further, it is considered necessary to quote here that the present matter is classic example of the negligence subsequent to the pressure created by the regular complainants of the area. In the present matter, on receipt of a complaint of Smt. Sunita, the Halqua Patwari submitted a report confirming the allegation of unauthorized construction & non-agricultural use. But in the process of inspection & submitting the report he failed to identify the land & ownership on which actually the unauthorized construction was going on. Besides, it is also very surprising to note that on the same complaint, the same patwari had submitted two reports, one in the present matter and the other was taken cognizance by instituting a case u/s 81 against M/s Darbhanga Estates Pvt. Ltd. Via Case No. 584/RA/Meh./2015, which is presently under adjudication before this court. The institution of the present case, as such, was not correct as the provisions of Rule 21 of the Delhi Land Reform Rules, 1954 were not followed with due caution and has caused unwanted/unnecessary concern to the respondents.

Now, coming back to the merits of the present case, the respondent in his defense from time to time has denied the use of suit land in contravention to the provisions of the DLR Act and claimed that the proceedings in the present matter are also barred by limitation provided u/s 185, Schedule - I of DLR Act, 1954, for which he has filed a copy of the Sale Deed dated 13.04.2012 via which the suit land was purchased by the respondents. The contents of the Sale Deed clearly reflect existence of a built-up/dwelling unit on the suit land. Further, in

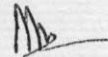
addition a copy of the electricity bill has also been filed, which shows installation in the year 2010, thus, clearly indicating that the built-up structure had come up in the year 2010 or prior.

I, have considered all the material placed on record. The Halqua Patwari Report dated 20.08.2016 on the present use of the suit land states that the suit land measuring (04-16) comprises of a kothi/dwelling unit at (00-06) of land and rest of the suit land is being used for agricultural purposes or purposes related to agriculture. The existence of a Kothi/Dwelling Unit is considered to be an improvement and as such permissible under the provisions of Section 3 (12) of the Delhi Land Reforms Act, 1954, to the extent that it does not change the basic agricultural character of the holding.

In view of the above discussed and the material placed before me, I, am satisfied that the suit land is being used by respondents for the purposes in consonance with the provisions of the Delhi Land Reforms Act, 1954 and the predominant use of the suit land is still agriculture. Besides, the proceedings in the present case are also found to be barred by limitation in view of the provisions contained in Section 185 Schedule – I of the Delhi Land Reforms Act, 1954. Hence, the proceedings u/s 81 of the DLR Act, 1954 in respect of the suit land do not sustain and are therefore dropped.

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

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



(D. S. VERMA)

REVENUE ASSISTANT / SDM

MEHRAULI SUB-DIVISION : DISTRICT SOUTH

Copy to :-

1. The B.D.O. (South), GNCTD, M. B. Road, Saket, New Delhi.
2. The Tehsildar (Mehrauli), GNCTD.
3. Shri Vikram B. Sharma & Shri Vikas B. Sharma at Khasra No. 19/11, Village – Jonapur, New Delhi.
4. The Halqua Patwari (Village – Dera Mandi), for records.
5. The Programmer O/o District Magistrate (South), GNCTD, with the direction to upload the present order on the official site of the department.