



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

Case No.591/RA/Mehrauli/2015/

U/s of 81 DLR Act, 1954.

२७-३२
२९-०८-२०१६

In the matter of

Gaon Sabha Mehrauli

V/s

Pawan Kant Munjal

ORDER

This order shall dispose-off the proceedings initiated under 81 of Delhi Land reforms Act 1954 in respect of the land comprised in Khasra No. 23//15/3 (2-0), 24//10 (4-16), 11 (4-16), 23//5/4 MIN (0-12), 6/1 MIN (0-5), 5/2 MIN (0-7) 6/2 MIN (0-11) situated in the revenue estate of village Mehrauli, New Delhi.

The present matter was instituted on the basis of the Halqua Patwari Report dated 17/03/2015, wherein it was reported that the suit land is being put to non-agricultural use by way of illegal construction. Accordingly, LR -48 and Restraint Order were issued to the concerned.

The matter was taken up for hearing on several dates. However, the case records revealed that a detailed reply had been filed on behalf of the respondents. As per the reply of the respondents it has been contended that the suit land in the present case forms part of Village Mehrauli, which stands urbanized u/s 507 of DMC Act and as such the provisions of the DLR Act, 1954 does not apply, hence, it was requested that the proceedings be dropped.

There was no material argument presented on behalf of the Gaon Sabha. I, have considered the material placed on record. The Hon'ble High Court of Delhi while considering the legal question as whether the provisions of DLR Act, 1954 shall apply to the land in villages which stands urbanized under the DMC Act, in **CWP No. 4143/2003 titled as 'Smt. Indu Khurana VS Gram Sabha & Ors.'**, vide judgement dated 26.03.2010 had specifically observed that **"once rural area is urbanized by issuance of notification u/s 507 (a) of the DMC Act, 1957, provisions of Delhi Land Reforms Act, 1954 will cease to apply."** An appeal against the said judgement of the Hon'ble High Court was filed before the Hon'ble Apex Court via SLP No. 16106/2012, which was dismissed holding that it does not have merits, thus, the issue decided by the Hon'ble High Court of Delhi achieved finality.

Considering the aforesaid detailed observation of the Hon'ble High Court of Delhi, it is clear that this court does not have the jurisdiction to try the present suit under the provisions of the DLR Act, hence, the suit is hereby dismissed.

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. Sh. Pawan Kumar Munjal S/o Sh. Brij Mohan Munjal, R/o B-109, G.K. Part-1, New Delhi.
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.

