

IN THE COURT OF SH. AZIMUL HAQUE, COLLECTOR/DM (WEST)
OLD MIDDLE SCHOOL BUILDING, RAMPURA,
LAWRENCE RAOD, DELHI – 110 035.

APPEAL NO. 413/DCW/2016/1-6

Dt - 02/01/2017

IN THE MATTER OF :

Hindustan General Industries Ltd

Appellant

Vs

Radhey Kishan & Ors

Respondents

ORDER

This order shall dispose of an appeal filed under Section 65 of the Delhi Land Revenue Act, 1954 against the Order dated 17.06.1968 passed by Tehsildar (Mehrauli) New Delhi sanctioning mutation on the basis of registered sale deed dated 10.01.1968.

Briefly, mutation in respect of land bearing Khasra No. 7//11/1 (0-4), 11/2 (4-12), 20(4-16), 21(1-18), 8//7/2 (1-8), 14(4-16), 15(4-16), 16(4-16), 17(5-12) & 25 (1-6) total measuring 34 bigha 04 biswas in the revenue estate of Village Nangloi, Delhi was sanctioned by Tehsildar (Mehrauli) on 17.06.1968 on the basis of sale deed dated 10.01.1968 bearing document no. 309 additional book No. 1 volume 896 page 168 to 179 registered on 10.01.1968. As per the said registered sale deed, there was one set of sellers, known as first party; and, there were four sets of purchasers, known as second, third, fourth and fifth parties. Second to fifth parties were vendees and different parcels of land were sold to them by the first party i.e. vendor. In this case, the first party sold Khasra Nos. 7/11/1 (0-4), 7/11/2 (4-12), 7/20(4-16), and 7/21(1-18) measuring 11 bighas and 10 biswas to Hindustan General Industries Ltd and the remaining khasra Nos. to the other three parties.

In his appeal, the appellant has stated that the respective purchasers received possession of their respective parcels of land in accordance with sale deed and they continue to be in separate possession thereafter. The appellant herein is in exclusive possession of land bearing Khasra Nos. 7/11/1 (0-4), 7/11/2 (4-12), 7/20(4-16), and 7/21(1-18) since 10.01.1968.

The appellant has further stated that when he obtained a copy of Khatoni in order to sell his land, he came to know that the entire land was recorded in the joint names of all the purchasers i.e. second to fifth parties and thus, there was an error apparent in the mutation order and the same is liable to be corrected whereby the land exclusively purchased by the appellant should be shown in its name and mutation has to be modified accordingly.

A copy of khatoni in r/o all the khasra nos. involved in this case was called from the Tehsildar (PB) and as per report dated 29.12.2016, Khasra No. 7/11/2,7/11/2,7/20 & 7/21 are still in the joint names of all the purchasers while the remaining khasra nos. involved in this case stand vested in the Goan Sabha.

The respondents are no longer interested parties in this case. In fact, in their replies R-1, R-5 & R-6 have requested for deletion of their names from the memo of parties. Notice was also issued to the Gaon Sabha, however, none appeared. As far as appellant herein is concerned, the land parcel purchased by him is not vested in Gaon Sabha.

This is a simple case of correction of record. Though the appeal is badly delayed, for which an application u/s 5 of Limitation Act has been filed, there is no option but to accept the request in order to set the record straight.

Accordingly, the appeal is allowed and the case is remanded back to Tehsildar (PB). He is directed to correct the revenue record as per contents of the Sale Deed after issuing notices to the concerned parties.

Given under my hand and seal of this court on 31st December 2016.



(AZIMUL HAQUE)
Collector (West)

Copy to:-

1. Divisional commissioner, 5 Sham Nath Marg, Delhi
2. ADM(West)
3. SDM/RA (Punjabi Bagh)
4. Both the parties
5. Asstt. Programmer (West)