

IN THE COURT OF REVENUE ASSISTANT / SDM KAPASHERA
OLD TAX TERMINAL BUILDING, KAPASHERA, DELHI -110037.

Case No. 111/2011 /2051-54
Under Section 40 DLR Act 1954

Raghunath & Ors.....

Petitioner

Bhagwana & Ors.....

Vs.

Respondent

ORDER

1. This order shall dispose off the **Case No. 111/2011** titled as Raghunath & Ors Vs Bhagwana & Ors, regarding the mutual exchange of plots of land.
2. After due perusal of the case facts and the detailed discussions heard in this regard, **I, Bhanu Prabha, IAS, RA (Kapashera)**, is of an opinion that the both the petitioners and the respondents have agreed to exchange the land without any consideration. Hence, vide this order, the land plots have been allowed to be mutually exchanged between the petitioners and the respondents.
3. Sh. Raghunath S/o Sh. Ramchander, Sh. Sunil S/o Sh. dhani Ram, Sh. Satish S/o SH. Dhani Ram, Sh. Munish S/o Sh. Ramnath and Sh. Narender S/o Sh. Ramnath all petitioners in this case are the recorded co-bhumidars of the residential plot comprising in khata no. 42/37 bearing Khasra no. 73/42 measuring (1 -10) situated in Extended Laldora Abadi of Village Hasanpur, Delhi. However at present they are in possession of land measuring (2-8) out of (2-11) of plot at Khasra no. 39/2 in village Hasanpur.
4. Sh. Bhagwana s/o Sh. Late Sh. Mawasi, Sh. Ram Khilari S/o Late Sh. Mawasi, Sh. Jai Pal S/o Late Sh. Mawasi, Sh. Ram Kishan S/o Sh. Ranjit, Sh. Bal Kishan S/o Sh. Ranjit, Sh. Ramesh Chand S/o Sh. Chandgi, Sh. Ved Parkash S/o Sh. Chandgi, Sh. Ram Gopal S/o Sh. Chandgi, SH. Om Pal S/o Sh. Chandgi, Sh. Jaipal S/o Sh. Chandgi, Sh. Surender Kumar S/o Sh. Hari Kishan, Sh. Tejender Singh S/o Sh. Hari Kishan, and Sh. Rajender Kumar S/o Sh. Hari Kishan, all are the respondents. They are co-bhumidars of the residential plot comprising in Khata no. 43/37 min bearing Khasra no. 39/2 measuring (2-11) situated in

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Extended Laldora Abadi area of village Hasanpur. However, they are in possession of 73/42 (1-10), of Extended Laldora Abadi area of Hasanpur.

5. It was admitted during the proceedings that the petitioners and the respondents are the successors of common ancestors and are in relation with each other. Due to their needs and looking at the convenience, the family members settled in the different parts of the residential plot and subsequently constructed rooms (pucc structures) on the land that was under their possession. All these construction related works were undertaken by the family members in the exchanged portions of the plots for better use and enjoyment.
6. It was further submitted that both the plots are adjacent to each other and all the present petitioners and respondents agreed that they have no objection if the plots are exchanged as is mentioned in the land record, so that for the land under the possession for each the petitioner as well as the respondent can be recorded as owners.
7. In this regard report from the Revenue Field Staff was also summoned. The report from the Revenue Field Staff dated 16.05.2012 clarified that Khasra no. 73//39/2 (2-11) is being occupied by the family by Sh. Raghunath and Ors and Khasra No. 73/42 (1-10) is being occupied by Sh. Bhagwana and Ors.
8. However, as per the revenue record Sh. Raghunath and Sh. Dhani Ram and Ors have been recorded as the co-owners of 73/42 (1-10) and Sh. Bhagwan and Ors are recorded as the owners in 73//39/2 (2-11).
9. During the proceeding in this case 31.10.2016 the Court had directed the concerned respondents and petitioners to appear in person and confirm that they agree to the settlement relating to exchange of land in this case.
10. On 29.01.2018 the legal heirs of the petitioners and respondents appeared in person and submitted that this is a case relating to mutual exchange of land and that family members today have no objection to be allotted the land that is under their possession if the families were to occupy/ take the possession of the land which is recorded under their respective ownership. It would amount to demolishing of existing houses and reconstruction of new house structure. This would lead to not just financial loss for the family members but also will create confusion along with mental harassment.



11. Hence, the members agreed that irrespective of the valuation of the land they are willing to be recorded as the owners of the portions, which have been under their possession so far. They all requested to be recorded as owners of the plot on the "as is where is" basis.

12. The petitioners are hereby ordered to give in exchange Khasra no. 73/42 (1-10) to the respondents and in the same way the respondents are hereby ordered to give 2-8 out of 2-11 in Khasra no. 39/2. That after the execution of this order, the position of the parties to the respective lands will be as follows:-

	Present	After Exchange
1.	The petitioners are the co-bhumidars of plot bearing kh.no. 73/43 (1-10) situated in the Extended Laldora Abadi of Village Hasanpur, Delhi	The petitioners will be the co-bhumidars of plot measuring 2-8 out of 2-11 in Khasra No. 3/ situated in the Extended Laldora Abadi of Village Hasanpur, Delhi
2	The respondents are the co-bhumidars of plot Khasra N. 39/2 (2-11) situated in the Extended Laldora Abadi of village Hasanpur, Delhi.	The respondents will be the co-bhumidar of plot Khasra no. 73/42 (1-10) situated in the Extended Laldora Abadi of Village Hasanpur, Delhi.

13. Given under my hand and seal on this 17th day of April, 2018.

Bhanu Prabha
17.4.18

(BHANU PRABHA, IAS)

Revenue Assistant/SDM (Kapashera)

Sub-Divisional Magistrate
(Kapashera)

Old Terminal Tax Building
Kapashera, New Delhi- 110037

Copy to:

1. District Magistrate, South-West for information
2. A.D.M. (South-West) for information
3. Tehsildar (KH) for information & necessary action
4. Assistant Programmer (South-West), to upload it on the official website

Bhanu Prabha
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