


IN THE COURT OF REVENUE ASSISTANT / SDM KAPASHERA
OLD TAX TERMINAL BUILDING, KAPASHERA, DELHI -1100037

Case No: 49/101/2016 / 2321-2325
Under Section 6 (14) DLR Act 1954

dt. 04/05/2018

Gram Sabha Kanganheri..... Petitioner

Vs.

Rajender Kumar Jain..... Respondent

ORDER

1. By this order I shall dispose off case No. **49/101/2016** titled as GS Kanganheri VS Rajender Kumar Jain, under section 6(14) Delhi Reforms Act, 1954 which was initiated on the application filed by respondent under Appendix VI Rule 14 of the Delhi Land Reforms Act, 1962, seeking setting aside of Ex-parte order dated 03.05.2010 & 12.04.2013 in respect of land bearing **Khasra No. 23//19 (4-16), 20 (3-3), 21(3-16), 22(4-16), 23(4-16) & 24/1 (1-1)** situated in revenue estate of village Kanganheri, Tehsil Kapashera, New Delhi, use of which was converted to non-agricultural use by respondent, contravening the provision of Section 81 of Delhi Land Reforms Act.
2. The respondent has submitted vide letter/application dated 24.08.2016 that the land bearing khasra Nos-**23//19 (4-16), 20 (3-3), 21(3-16), 22(4-16), 23(4-16) & 24/1 (1-1)** situated in revenue estate of village Kanganheri, Tehsil Kapashera, New Delhi, have wrongly been vested in Gram Sabha, and that, there was no non-agricultural activity on the suit land. It is further mentioned that the applicant/respondent has been using the land for permissible purposes as he had built up a farm house in accordance with the sanctioned plan.
3. The respondent has also submitted that the agricultural activities were being carried out on the land prior to and even after issuance of notices under section 81 Delhi Land Reforms Act.
4. The respondent submitted that the conditional order which was issued to the respondent with the direction that the suit land be converted back into agricultural use/purpose within three months, was not served upon the respondent by any mode of service.



GS Kanganheri Vs Rajender Kumar Jain

J. Prabhakar
4.5.18

BHANU PRABHA, IAS
Sub-Divisional Magistrate
(Kapashera)
Old Terminal Tax Building
Kapashera, New Delhi-110003

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report on dated 03.01.2018, which clearly states that there is a kothi on (0-3) and boundary wall on the suit land and rest of land is being used for agriculture purpose.

6. Exercising abundant caution, a Halka Patwari report was also called on and accordingly, Halka Patwari submitted a report on dated 28.03.2018, which also clearly states that there is a kothi on (0-3) and boundary wall on the suit land and rest of land is being used for agriculture purpose.

7. The counsel for Gram Sabha emphasized on the existing boundary wall on the said land as was mentioned in the report by the Halka Patwari dated 03.01.2018 & 28.03.2018. In response to this the counsel for applicants/respondents argued by citing the Case titled as *Bihari Lal and Others. Vs. Union of India*, wherein it was held by High Court of Delhi, that *"But the mere construction of a building on every agricultural land does not convert it into non-agricultural land. In section 3(13) of the Delhi Land Reforms Act, 1954 land is defined to include land occupied for purposes connected with agriculture and includes buildings appurtenant thereto. In fact, under section 3(12) a dwelling house erected on the holding by the tenureholder is regarded as an improvement. Similarly, a tubewell or well is also regarded as an improvement."*

8. THEREFORE, I BHANU PRABHA, IAS, RA/SDM (Kapashera) on the basis of the above facts and the provisions of section 6(14) DLR Act, 1962, do hereby drop the earlier order for the ejectment and vesting of Khasra No. 23//19 (4-16), 20 (3-3), 21(3-16), 22(4-16), 23(4-16) & 24/1 (1-1) situated in revenue estate of village Kanganheri, Tehsil Kapashera, New Delhi, into Gram Sabha.

9. Copy of this order to be sent to Tehsildar (Kapashera) and B.D.O (South West) for updating the records. File to be consigned to record room.

10. Announced under my hand and seal on 04th May, 2018.



(BHANU PRABHA, IAS)
REVENUE ASSISTANT/SDM (KAPASHERA)

Bhanna
24.5.18
BHANU PRABHA, IAS
3rd Divisional Officer
(Kapashera)
Old Terminal Tax Building,
New Delhi - 110017

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1. PS to DC(SW) for information please.
2. Tehsildar (Kapashera) for information & necessary action.
3. BDO(South West), Najafgarh, for information & necessary action.
4. Asstt. Programmer/IT, O/o DC(South West) to upload it on the official website.
5. Both the parities.

Bhanu Prabha
4.5.18



(BHANU PRABHA, IAS)
REVENUE ASSISTANT/SDM (KAPASHERA)

BHANU PRABHA, IAS
Sub-Divisional Magistrate
(Kapashera)
Old Terminal Tax Building
Kapashera, New Delhi- 110011