



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

Case No: 49/132/2017/2274
Under Section 82(2) DLR Act 1954

Dated: 03/5/2018

Gram Sabha Bijwasan..... Petitioner

Vs.

Sushil Rana & Ors..... Respondent

ORDER

By this order, I shall dispose off the application under section 82(2) of Delhi Land Reforms Act-1954, for dropping of proceedings under section 81 of DLR Act, filed in case no. 114/RA/2009 titled as Gram Sabha Bijwasan VS Sushil, under section 82(2) of Delhi Land Reforms Act 1954, which was initiated on the basis of an application under section 82 (2) of Delhi Land Reform Act for dropping of proceedings initiated the against the respondent for the violation of section 81 of DLR Act.

The proceedings in the case No-114/RA/2009, were initiated as per the provisions of section 81 of Delhi Land Reforms Act, 1954. The case was initiated on the basis of Halka Patwari report dated 11.09.2009, in which it was stated that land bearing Khasra No. 36//19/2 (3-4) situated in revenue estate of village Bijwasan, Tehsil Kapashera, New Delhi is being utilized for non-agricultural purposes by respondents by way of construction activity thereby contravening the provision of section 81 of DLR Act.

Facts of the case are as under:

- The construction activity was first reported through the SHO report dated 26.08.2009 and subsequently confirmed by the Halka Patwari report dated 11.09.2009, which mentions about the construction activity on the suit land. Following these reports a restraint order was issued dated 17.09.2009. Restraint order dated 17.09.2009 was issued to the respondents directing them to revert the land to agricultural purposes.

GS Bijwasan Vs Sushil Rana & Ors..

[Handwritten Signature]
2.5.18
BHANU PRABHA, IAS
Sub-Divisional Magistrate
(Kapashera)
Old Terminal Building
Kapashera, New Delhi- 110037

- b. The Respondents, however, did not restore the agriculture nature of this land. Taking into cognizance subsequent report from the Revenue Field Official, an order in the case was announced.
- c. In this order dated 10.08.2017, the said agricultural land being used for non agricultural purpose was directed to be vested in the land of Gram Sabha Bijwasan as per the provision of section 81 of DLR Act.
- d. However, according to the provision of section 82(2) of DLR Act, 1954, the order of ejectment & vesting was directed not to be executed if the respondents repair the damage to the suit land or put it back to agricultural or related uses as allowed under the provision of DLR Act, within three months of the issuance of the order.
- e. That in compliance to the order dated 10.08.2017, the respondents restored the usage of suit land to agricultural purpose and reported to the office of undersigned by filing the present application under section 82(2) of DLR Act.
- f. The report form Halka Patwari was called to confirm the status of compliance to the order dated 10.08.2017 and to clarify the present usage of the suit land. A report by the Halka Patwari dated 20.12.2017 clarified that the barren land which was earlier reported to be not being cultivated, has been converted into cultivable land.
- g. The report submitted by the Halka Patwari further clarified that the said land which once had a rooms, *has now been freed off the said structure. The rooms* which earlier occupied (0-10) has been demolished and only area measuring (0-3) is constructed, which is being used for agricultural purposes exclusively.

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 20.12.2017. 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 tenure-holder is regarded as an improvement. Similarly, a tubewell or well is also regarded as an improvement."*

Bhanu Prabha
2.5.18

It must be appreciated that after the passing of earlier order for the violation of section 81, DLR Act, 1954, the respondents under took measures to repair the damage that was brought upon to the said agricultural land by the way of construction of concrete structures. The respondents assured that the said land which was lying barren and uncultivated for all these years shall be converted into well cultivated land, in this endeavour, the concrete structure, once standing on the suit land was also demolished.

THEREFORE, I **BHANU PRABHA, IAS, RA/SDM (Kapashera)** on the basis of the above facts and the provisions of section 82(2) DLR Act, 1954, do hereby drop the earlier order for the ejection and vesting of Khasra Nos.36//19/2 (3-4) situated in the revenue estate of village Bijwasan, Delhi, into Gram Sabha.

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

Announced under my hand and seal on 2nd May, 2018.



Bhanu Prabha
2.5.18

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

Copy to:

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 parities.

BHANU PRABHA, IAS
Sub- Divisional Magistrate
(Kapashera)
Old Terminal Tax Building
Kapashera, New Delhi- 110037

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

BHANU PRABHA, IAS
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