



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

Case No: 33A/2003/2275
Under Section 81 DLR Act 1954

Dated - 01.05.18

Gram Sabha Paparawat..... Petitioner

Vs.

Manju Mittal..... Respondent

ORDER

1. By this order I shall dispose off case No. 33A/2003 titled as GS Paparawat VS Manju Mittal, under section 81 Delhi Land Reforms Act, 1954, which was initiated on the basis of Halka patwari report dated 29.06.2017 validated by Kanungo & Tehsildar dated 29.06.2017, vide which it was reported that the land bearing **Khasra No. 31//10/1 (2-8), 9/2 (1-2), 7 Min (4-8) & 8 Min (2-7)** situated in revenue estate of village Paparawat, Tehsil Kapashera, New Delhi had been converted into non-agricultural use by respondent contravening the provision of Section 81 of Delhi Land Reforms Act.
2. On the basis of Halka Patwari report, case was instituted under section 81 DLR Act and Restraint order was issued on dated 13.06.2008. The report was forwarded to ACP (Najafgarh) to restrain further illegal construction. Notice LR 48, was also issued on 20.06.2008 to the respondents.
3. Accordingly, a conditional order dated 01.03.2003 was issued with the direction that the said land be converted back to agricultural purpose and the illegal & unauthorized construction to be removed therefrom within three months from the date of issue of this order failing which, the said land be vested in the Gaon Sabha and respondent shall be ejected therefrom.
4. The reports from Halka Patwari were received on 01.12.2009 & 22.03.2014 clearly states that there is boundary wall on the suit land however the land was reported to be used for cultivation and agricultural related activities.
5. As a matter of abundant caution, report from the Revenue Field Staff was also called on 16.12.2017 along-with photographs. This report, dated 16.12.2017 also reconfirmed that the land is being used for agricultural related activities.

BHANU PRABHA, IAS
Sub-Divisional Magistrate
(Kapashera)
Old Terminal Building

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6. After considering all the facts, I am of the view that land has been used for agricultural purpose only.
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 16.12.2017. 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."
8. THEREFORE, I **BHANU PRABHA, IAS, RA/SDM (Kapashera)** on the basis of the above facts and the provisions of section 81 DLR Act, 1954, do hereby drop proceedings of section 81 DLR Act against the land bearing Khasra Nos. 31//10/1 (2-8), 9/2 (1-2), 7 Min (4-8) & 8 Min (2-7) situated in revenue estate of village Paprawat, Tehsil Kapashera, New Delhi.
9. Copy of this order to be sent to Tehsildar (Kapashera) and B.D.O (South West) for updating the records. Files to be consigned to record room.
10. Announced under my hand and seal on 01th May, 2018.



Copy to:

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

[Handwritten Signature]
01.05.18

(BHANU PRABHA, IAS)
REVENUE ASSISTANT/SDM (KAPASHERA)
BHANU PRABHA, IAS
Sub- Divisional Magistrate
(Kapashera)

Old Terminal Tax Building
Kapashera, New Delhi- 110037

[Handwritten Signature]
01.05.18

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

BHANU PRABHA, IAS
Sub- Divisional Magistrate
(Kapashera)

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