

Sh. Jagbir Singh Vs G. S. Siraspur

6.3.2014

Present : Shri Anuj Saini, Counsel for the Appellant, Shri Jagbir Singh

This order shall dispose of appeal under section 185 of Delhi Land Reforms Act, 1954 against the common order of Addl. Collector (North West) dated 09.09.2011 vide which appeal of GS Siraspur and the present appellant was decided.

Brief facts of the case as per the Appellant are that he was allotted Khasra No.655 measuring 3 Bigha 16 Biswa by the Gaon Sabha on 26.6.1977 by passing a resolution. He was later made Asami of the said land vide order of RA dated 4.2.1986. He constructed boundary wall after taking due permission. Thereafter, he applied for declaration of Bhumindari rights under section 73/74 of the Act in respect of the entire land, however, the SDM/RA vide order dated 28.9.1995 declared him Bhumidhar only in respect of land measuring 3 Bigha 3 Biswa 16 Biswansis and this is the actual grievance of the appellant herein. He filed appeal before Addl. Collector stating that due to typographic mistake he was made Bhumidhar of only 3 Bigha 3 Biswa 16 Biswansis whereas actual area should be 3 Bigha 16 Biswa.

However, in appeal, GS Siraspur contended before Addl. Collector that in petition under section 73/74 of the Act, Gaon Sabha was not heard by the SDM/RA. Ld. Addl. Collector after hearing both the parties, remanded the matter back to SDM/RA for fresh adjudication.

Ld. Counsel for appellant has informed that SDM/RA has already taken cognizance of the impugned order of Addl. Collector and started proceedings in the matter. On a pointed query that what harm would come to him if the matter be heard and decided by the RA, Ld. Counsel for the Appellant agreed that he is prepared to present his case before the SDM/RA.

After hearing the Ld. Counsel in detail, this Court does not find anything wrong in the impugned order of Ld. Addl. Collector that needs to be adjudicated by this Court.

The appeal is accordingly dismissed *in limine* with direction to petitioner to participate in the proceedings before RA. With the above directions, the matter is disposed of.

Announced in open Court. File be consigned to record room after completion.

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