

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case No. 139/12

Application under section 73 of the Delhi Land Reforms Act, 1954 for review/modification in order dt. 10.01.2012 passed by this court in Revision Petition No. 287/07

In the matter of:-

**Sh. Ram Jeet
S/o Late Sh. Gulab
R/o VPO Kanganheri,
New Delhi**

**...Petitioners
(Represented through Sh. V.S. Rana, Advocate)**

Versus

- 1. Sh. Ram Khilari**
- 2. Sh. Sewa Ram
Both S/o of Late Sh. Gulab
Both R/o VPO Kanganheri**
- 3. Smt Baby W/o Late Sh. Rambir Singh
& D/o Sh. Ram Kishan**
- 4. Kumari Nisha Yadav
D/o Late Sh. Rambir Singh
through her mother and natural guardian
Smt. Baby W/o late Sh. Rambir Singh
Both R/o NO. 3 & 4 R/o Vill Samaipur Badali**

...Respondents

NAINI JAYASEELAN, FINANCIAL COMMISSIONER

Order dated 13th Aug. 2015

1. This order shall dispose off the application filed by the petitioner under Section 73 of Delhi Land Revenue Act, 1954 for seeking review/modification in Order dated 10.01.2012 passed by the predecessor of this court in Revision Petition No. 287/07. This Court vide order dated 10.01.2012 had set aside the order of Collector (South West) and remanded the matter to the Revenue Assistant to hear the matter afresh and to pass a reasoned order.

2. Against this order, the petitioner filed present application under Section 73 of Delhi Land Revenue Act, 1954. The main grievance of the

appellant is that Hon'ble Financial Commissioner while allowing the appeal no. 287/07 vide order dated 10.01.2012 had set aside the order of Collector(South West) however, Ld. Financial Commissioner had passed no order for setting aside/quashing the order of Tehsildar dated 13.08.2003. The appellant further submitted that due to this there is a technical and procedural difficulty before the Revenue Assistant for hearing the case until and unless the order of Tehsildar dated 13.08.2003 is set aside/quashed. Therefore the appellant requested that order of this court dated 10.01.2012 may please be reviewed/modify and order of the Tehsildar dated 13.08.2003 be set aside/quashed.

3. The arguments of Counsel for the appellant was heard at length and the material placed on the record are perused. In my considered opinion, the limited question which is to be decided by this Court is that whether the claim of the petitioner that the order dated 13.08.2003 of Tehsildar be set aside/quashed is raised by the petitioner in his original Revision Petition No. 287/07 decided by the predecessor of this court vide order dated 10.01.2012.

4. Upon perusal of the original case file no. 287/07, it is observed that the petitioner filed a revision petition under Section 72 of Delhi Land Revenue Act, 1954 against the order dated 21.08.2007 passed by Dy. Commissioner(South West). In the prayer, the petitioner prayed for setting aside the order of 21.8.2007 passed by Dy. Commissioner(South West) which was decided vide order No.10/01/2012 whereby the Dy. Commissioner(South West) order was set aside. Hence, the petitioner impugned the order of Dy. Commissioner(South West) and not the order of Tehsildar in original Revision Petition no. 287/07.

5. In view of the above findings, I see no merit in the claim of the appellant and the same is hereby rejected.

6. Announced in the open Court on 13th August, 2015.

**NAINI JAYASEELAN,
FINANCIAL COMMISSIONER, DELHI
13th August, 2015**