

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case No.201/2013

**Revision Petition under
section 42 of East Punjab
Holdings (Consolidation and
Prevention of
Fragmentation) Act, 1948**

In the matter of :-

- 1. Shri Ram Kumar**
- 2. Shiv Kumar
Sons of Rishal**

- 3. Gaurav
S/o Ram Avtar & Grand son of Rishal**

- 4. Raj Kumar**

- 5. Mangat Ram**

- 6. Krishan Kumar**

**S/o Chand Kiran
All R/o Village & P.O. Burari,
Delhi.**

....Petitioners

**(Represented by Shri
J.K. Jain, Counsel for
Petitioners)**

VERSUS

- 1. Consolidation Officer/Tehsildar,
Village Burari,
Old Civil Supply Bldg., Tis Hazari Court,
Delhi.**

Represented by Sh. Ramesh Kumar, Kanungo.... Respondent

NAINI JAYASEELAN, FINANCIAL COMMISSIONER

Order dated 27.08.2015

1. This order shall dispose of the revision petition filed under Section 42 read with Section 43A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter called as "the Act") against the impugned order dated 27.09.2013 passed by the C.O. (Civil Lines) for making up the

deficiency in the khata of haqdar No. 272 during consolidation proceedings.

2. The brief facts of the case can be summarised in the following paras :

- i) That Sh. Rishal and Chand Kiran Ss/o Harvansh R/o Village & P.O. Burari were having pre-consolidation khata during consolidation and their khata was valued at Rs. 25 bigha 5 biswas standard (entitlement for post consolidation allotment).
- ii) Initially under Section 21 (i) in the said khata total allotment recorded was 28 bigha 6 biswas i.e. excess of 3 bigha 1 biswas which could be withdrawn from the said khata.
- iii) That after Section 21(i) proceedings, the following changes were recorded in the haqdar No. 272 in the Karwai Register.

Resolution No.	Area withdrawn	Area allotted
22	3-0	2-15
31	1-9	--
102	2-15	2-15
117	2-06	--
81	2-06	2-15
118	0-10	--
	12-15	8-05

Area withdrawn in excess after
21(i) proceedings = 4 Bigha 10 biswas

Excess area allotted during
21(i) proceedings = 3 Bigha 1 biswas

Deficiency = **1 Bigha 9 biswas**

3. Subsequently by another resolution No. 149 land measuring 0-8 biswas was allotted but this allotment was never done which is clear from the fact that the said kila was never entered in the khatauni of

Petitioners and even the khatoni paimaish prepared at the time of consolidation does not record the said kila in the name of the petitioners.

4. It is undisputed that neither the ownership nor the possession of this 0-8 biswas was ever given to the petitioners or their predecessors and that till date a total deficit to the extent of 1 bigha 6 biswas has not been made good. As of date, the consolidation records of the village has been consigned.

5. The application for making good the deficiency was filed before the Consolidation Officer vide diary No. 712 dated 29.05.2012. But the said application was rejected solely on the ground that the consolidation records have been consigned and the respondent has become functus-officio. Hence, the petitioners filed the present Revision Petition.

6. The comments of the C.O. were called. The Consolidation Officer vide status report has submitted the status report wherein it is mentioned that there is a deficiency of 01 bigha 07 bishwa(standard area) in the khata of Ram Kumar & Ors. Consolidation Officer has further reported that since the consolidation proceedings in village Burari have been completed in 1982 and the records have been consigned and after consigning the record, the Consolidation Officer does not have any power to entertain any request for any change in the consolidation proceedings.

7. In view of the above, the case is hereby remanded back to the Consolidation Officer for deciding the case afresh of khata No. 272 of the petitioner as per the rule and provision of consolidation scheme. Accordingly, the present Revision Petition is disposed off.

9. Pronounced in open Court on 27th August, 2015.

(NAINI JAYASEELAN)
Financial Commissioner
27th August, 2015.