

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case No. 23/15

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

In the matter of :-

**Sh. Mukesh S/o Sh. Mehar Singh
R/o V.P.O.-Kanjhawala, Delhi**

...Petitioner

Vs

Consolidation Officer (Kanjhawala)

... Respondent

NAINI JAYASEELAN, FINANCIAL COMMISSIONER

Order dated 26th May, 2015

1. This order shall dispose of the Revision Petition No. 23/15 filed under Section 42 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 filed against the impugned Resolution No. 164 dated 08.03.2000 and Resolution No. 292 dated 10.12.2010 vide which some of the land of the petitioner was withdrawn and and some other land was allotted to him subsequently.

Brief facts as submitted by petitioner

2. That the petitioner is the recorded owner of Khata No. 417 situated in the revenue estate of village Kanjhawala, Delhi and the petitioner was allotted the land during the course of consolidation proceedings in village Kanjhawala, Delhi and is in possession of the same. The petitioner states that on 20.01.2015 he was informed by his family members that some persons have come on the site and want to take the physical possession of the land. Thereafter, the petitioner obtained a copy of the revenue records on 23.01.2015. Perusal of the revenue record revealed that the land falling in Khasra No 49/17 (4-16) had been withdrawn vide resolution No. 164 dated 08.03.2000 and Resolution No. 292 dated 10.12.2010. In place of said land, the land falling in Khasra No 50/8 and 09 had been allotted to the petitioner.

3. Aggrieved by the said resolutions Nos. 164 and 292, the petitioner filed present Revision Petition praying therein for setting aside of said resolutions.

4. Petitioner has submitted that impugned resolutions were passed without issuing any notice to the petitioner and without following the due process of law.

5. CO Kanjhawala/Respondent vide his reply dated 22.04.2015, has admitted that no notice prior to passing the Resolution was issued. Also it is admitted that against the allotment to the petitioner, no objection or claim has been filed. The Consolidation Officer in his written statement has stated that if this Hon'ble Court permits the answering respondent, he shall pass the appropriate orders after giving due opportunity of being heard.

6. In view of the averments made in the revision petition, reply filed by the respondent and after perusal of materials/record placed on record, I find it appropriate to remand the case back to the Consolidation Officer to pass fresh order in the matter, after providing an opportunity of being heard to the petitioner, within 03 months from today.

7. The Revision Petition is disposed off accordingly. Announced in open court.

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(NAINI JAYASEELAN)
FINANCIAL COMMISSIONER, DELHI
26th May, 2015