

Shri Krishan & Ors. Vs. RA/SDM Narela.

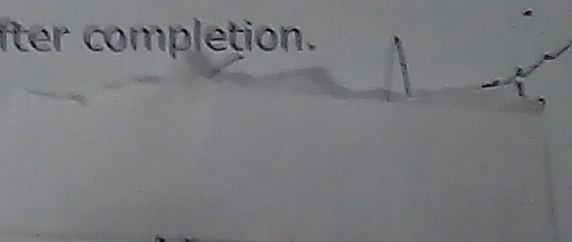
08.01.2016

Present : Shri Deepak Khosla, Counsel for Petitioners Shri Krishan & Ors. alongwith Sh. Aman Kumar, S/o Sh. Krishan.
: Shri S. K. Suryan, Counsel for G.S.

1. Heard the parties. This pertains to land of Khewat No.34, Khatouni No.17/16min., Khasra No.101min. measuring 3 bigha 17 bishwa of village Daryapur Kalan. Counsel for petitioners stated that the conditional order was issued on 29.04.1999 and the final order was passed on 10.10.2011 after a lapse of more than 10 years. He further stated that in spite of application made under Appendix VI Rule 14 for setting aside the conditional order, the final order was passed without disposing application under Appendix VI Rule 14.
2. It is admitted by Counsel for Petitioners that the land in question is not being used for agricultural purposes as it is surrounded by a concrete/pucca boundary wall and there are 7-8 rooms existed on the suit land. The only grievance of the petitioners is that they were not heard by SDM/CA before passing of final order on 10.10.2011 despite the fact that their application under Appendix VI Rule 14 was pending before RA for disposal.
3. Counsel for Gaon Sabha stated that order sheet shows that the Counsel for petitioners was present and heard before SDM/RA. However, if the petitioners have only grievance of not being heard before passing of final order, then the matter can be remanded back to Dy. Commissioner and all

arguments raised here and admitted on the suit land with boundary wall and 7-8 rooms would be heard by Dy. Commissioner with time bound direction. The same is also not opposed by Counsel for petitioners.

4. In view of the submissions made by both the Counsels, the matter is hereby remanded to Dy. Commissioner concerned. The parties shall appear before Dy. Commissioner on 25.01.2016. Dy. Commissioner would attempt the expeditious disposal of the matter but not later than four months as far as possible from the date of first appearance of parties on 25.01.2016 and none of the parties shall be accommodated for unnecessary adjournments.
5. The matter is disposed of accordingly. File be consigned to Record Room after completion.


(Jitendra Narain)
Financial Commissioner
Delhi
08.01.2016