

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case No. 02/2013

**Revision Petition under section
187 of The Delhi Land Reforms Act,
1954,**

In the matter of :-

Sh. Gaon Sabha Akbar Pur ,Majra

Through

BDO North

1, Kripa Narain Marg

Delhi-110054

...Petitioner

Vs

Sh. Ved Pal

S/o Sh Kishan Chand

Vill Akbar Pur Majra

Delhi-110036

...Respondents

NAINI JAYASEELAN, FINANCIAL COMMISSIONER

Order dated 21st July, 2015

This order shall dispose off the revision petition filed under Section 187 of Delhi Land Reforms Act, 1954 against the impugned order dated 22.09.2012 passed by SDM/RA(Narela) in Case No. 537/RA/N/2012 titled as Gaon Sabha Arak Pur Majra Vs. Ved Pal. The brief facts of the case as submitted by the petitioner is as under:-

That the respondent is the recorded owner of land falling in Kh. Nos. 24/24/2(4-12), 25(4-16), 29/4/2(4-13), 5(4-16), 7/2(4-

9), 14/2(3-12 and 15/2(2-11) situated in the revenue estate of village Arakpur Majra, Delhi. That pursuant upon the report of Halqa Patwari that the respondent is violating the provisions of Section 81 of Delhi Land Reforms Act, 1954 proceedings under Section 81(**Ejectment for use of land in contravention of the provisions of this Act**) of Delhi Land Reforms Act were initiated against the respondent. In the petition, it is stated that in that proceedings notice was issued and duly served upon respondent and respondent had also filed their reply.

However, it is alleged that statutory notice was not served upon the petitioner i.e. Gaon Sabha and the entire proceedings were conducted in the absence of the petitioner. Petitioner i.e. Gaon Sabha came to know about the impugned order only after the passing of the said order in last week of October, 2012 and has now prayed that impugned order is bad and is unsustainable and same is liable to be set aside. It is also prayed by the petitioner that since the order of SDM/RA is ex-parte, hence no appeal lies before Dy. Commissioner and therefore the present revision petition has been filed.

In this case, notice was issued to the respondent, however, despite several opportunities (8 hearings) none appeared on behalf of the respondent, hence, the case is proceeded ex-parte.

I have carefully gone through the records available in the file and heard the arguments placed by the counsel for Gaon Sabha. Upon, perusal of impugned order dated 22.09.2012 by SDM/RA(Narela), it is observed that the petitioner i.e. Gaon Sabha did not appear before the SDM/RA, neither there is anything in the said order which can establish that petitioner were heard at any time of the proceeding initiated under Section 81 of DLR Act, 1954,

hence, the claim of the petitioner i.e. Gaon Sabha Arak Pur Majra seems justifiable.

In view of the above, I hereby allow the petition of the Gaon Sabha Arak Pur Majra Burari. The impugned order dated 22.09.2012 of SDM/RA(Narela) is hereby set-aside and the case is hereby remand back to SDM/RA(Narela) with a direction to hear the petitioner i.e. Gaon Sabha and then decide the matter as per law. This exercise should be completed within three months from the date of this order. The petition is disposed off accordingly.

Announced in open Court on the 21st of July 2015.

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NAINI JAYASEELAN,
FINANCIAL COMMISSIONER, DELHI
21st July, 2015