

Case No.347/2012

Shri Surat Singh Vs. Gaon Sabha, Kanjhawala

17.07.2014

Present : Shri V. P. Rana, Counsel for Petitioner
: Shri Parmod Kumar, Counsel for Respondent

1. Heard the Counsels for both the sides at length.
2. The main contention of the Counsel for petitioner is that the use of rooms constructed on the land in question, were never determined and he had not been heard.
3. The Counsel for Respondent stated that the boundary wall constructed around the land in question is of 10 ft. high which is contrary to permission granted.
4. The Court observed that there has to be reasonable interpretation of facts and rules on the part of revenue authorities. Hence, the case is remanded back to the SDM/RA to pass a speaking order after hearing both the parties, with the direction to physically check whether the rooms constructed on the land in question are actually being utilized for any purpose connected with nursery in respect of which permission was already granted by the revenue authorities. If it is found that there is any violation in accordance with the permission granted in respect of boundary wall, the first step should be to ask the petitioner to restore it to the required level, failing which action will be taken as per law.
5. File be consigned to record room after completion.

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(D. M. Spolia)
Financial Commissioner
Delhi