

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case No.351/2012

**Revision Petition under Section
187 of Delhi Land Revenue
Act,1954**

In the matter of:-

**1. Sh. Rajat Aneja
S/o Sh. Prem Nath Aneja
R/o 6/3B, Pocket B,
Ashok Vihar,
Phase-III
Delhi-110052**

**....Petitioner
(Represented by Shri
Rajat Aneja,
Petitioner/Counsel for
Petitioner)**

VERSUS

**1. Gaon Sabah Siraspur
Through BDO
Director Panchayat
Tis Hazari Court
Delhi-110054
Siraspur**

.... Respondents

**(Represented by Shri S.K. Suryan
Counsel for Gaon Sabha,)**

JITENDRA NARAIN, FINANCIAL COMMISSIONER

Dated 28th January, 2016

1. The present revision petition filed u/s 187 of Delhi Land Reforms Act against the conditional order dated 10.07.12 passed by Revenue Assistant/SO (C) (Narela) u/s 81 of DLR Act directing thereby petitioner to convert back their land into agricultural purposes within 03 months from the date of order. The petitioner by way of present petition prayed that impugned order dated 10.07.12 by RA/SO (C) Narela be set aside and quashed.
2. The petitioner claim they are the owner of land measuring 1 Bigha 13 Biswa land out of Khasra No. 207 in revenue estate of village Siraspur which the petitioner acquire through registered sale-deed on the basis of which revenue entries was made in favour of petitioner. It is categorically submitted by the petitioner that he had never used this agricultural land for any the purpose except

agricultural and further submitted that he has not raised any construction over the same land at any point of time.

3. It is alleged by the petitioner that Gaon Sabha initiated proceeding u/s 81 of DLR Act against the petitioner purportedly on the ground that petitioner has raised construction on suit land. It is claimed by the petitioner that he is having land holding in separate khata and no violation of any kind is made in respect of suit land.
4. It is further contended by the petitioner that during the pendency of 81 proceeding though RA/SO (C) Narela called for Patwari report however; no report was ever submitted by Patwari and RA/SO (C) passed the impugned order dated 10.07.2012 without the report of Patwari. It is further stated by petitioner that during the pendency of proceeding before RA/SO (C) it is repeatedly argued by petitioner that neither any construction have been raised nor the land is being used for any other purpose except agriculture. Despite this RA/SO (C) passed the order dated 10.07.2012 which is assailed here.
5. Interestingly; contrary to above averments made by the petitioner in the plaint he admitted in the grounds of revision petition that the land in question now can not be used as agricultural purpose as the village has been urbanized and adjacent to the land of petitioner huge construction is carried out by DDA who are constructing 500 EWS flats. It is further averred by the petitioner that there are numbers of godowns constructed around the subject land and Gaon Sabha uses a pick and choose policy in initiating proceeding u/s 81.
6. Gaon Sabha on the other hand argued that there is a godown on the site and that is admitted by the co-petitioner in the court below in the order dated 10.07.2012. Moreover it was only a conditional order and it is open to the petitioner to raise these issues before RA/SO (C). It is further stated by counsel for Gaon Sabha in other similar matter the predecessor of this court has dismissed the petition with a liberty to petitioner to appear before concerned Revenue Authorities.
7. I have heard the detailed arguments of both of parties. The only grievance of the petitioner is that the Ld. RA/SO(C) passed the impugned order without calling the status report of land. It is further asserted by the petitioner that he can not restore the land back into agricultural purpose as he is already doing agriculture

there and the report of the site will reveal factual position. Therefore, in my view the ends of justice would be met, if the petitioner is granted liberty to raise all objections as provided in law before the RA/SO(C). Moreover, it is only a conditional order, hence the petitioner will have due remedies open to them against any final order of the RA if they so feel.

8. In view of the above, the present revision petition is dismissed with a liberty to the petitioner to raise all objection as provided in the law before the RA/SO(C). RA/SO(C) shall pass a reasoned order after hearing both the parties as expeditiously as possible but not later than three months from the date of this order based on the report and photography of the lis land and verify if the petitioner has rightly said that there was no construction or non-agricultural use or the contention of Gaon Sabha of there being non-agricultural use and godowns is true.
9. Announced in open court on 28th January, 2016.

(JITENDRA NARAIN)
FINANCIAL COMMISSIONER, DELHI
Dated 28th January, 2016