

**IN THE COURT OF THE FINANCIAL COMMISSIONER,DELHI**

**Case No. 395/12 &**  
**Case No. 396/12**

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

**In the matter of:-**

- 1. Shri. Badal**  
**S/o Late Shri. Bhule**  
**R/o VPO Ishapur Khera, Bijwasan**  
**New Delhi**
- 2. Shri. Raghbir Singh**  
**S/o Late Shri. Bhule**  
**R/o VPO Ishapur Khera, Bijwasan**  
**New Delhi**
- 3. Smt. Omwati**  
**W/o Late Shri. Sube Singh**  
**R/o VPO Ishapur Khera, Bijwasan**  
**New Delhi**
- 4. Shri. Bhoop Singh**  
**S/o Late Shri. Bhule**  
**R/o VPO Ishapur Khera, Bijwasan**  
**New Delhi**
- 5. Shri. Pappal**  
**S/o Late Shri. Sultan Singh**  
**R/o VPO Ishapur Khera, Bijwasan**  
**New Delhi**
- 6. Shri. Sombir**  
**S/o Late Shri. Sultan Singh**  
**R/o VPO Ishapur Khera, Bijwasan**  
**New Delhi**
- 7. Shri. Dharmender**  
**S/o Late Shri. Sultan Singh**  
**R/o VPO Ishapur Khera, Bijwasan**  
**New Delhi**

**..... Petitioners**

**(Represented by Sh. Parveen Suri,  
Counsel for the Petitioners)**

**Versus**

**1. Gaon Sabha Bijwasan  
Through B.D.O  
Tis Hazari Court  
Delhi-110054**

**.... Respondent**

**(Represented by Smt. Sudesh  
Counsel for Gaon Sabha)**

**JITENDRA NARAIN, FINANCIAL COMMISSIONER**

Order dated 09<sup>th</sup> February, 2016

1. This common order shall dispose off the revision petitions bearing no. 395/12 and 396/12 filed under Section 187 of Delhi Land Reforms Act, 1954 against the impugned order dated 17.08.2012 in case no. 396/12 and order dated 24.08.2012 in case no. 395/12. In case no. 396/12, DC(South West) vide order dated 17.08.2012 dismissed the appeal of the appellants, whereas in case no. 395/12 DC(South West) vide order dated 24.08.2012 directed the SDM/RA to carry out a fresh inquiry in respect of land measuring 1 Bigha 04 Bishwa in Kh. No. 60/18 and 0-12 Bishwa in Kh. No. 60/23 for which proceedings u/s 81 of DLR Act have been dropped.

2. The pleadings of both the parties were perused. The brief fact of the case is as follows:-

2.1 That the petitioners are owners and in possession of land measuring 4 Bigha 16 Bishwa in Kh. No. 60/18 and 01 Bigha 16 Bishwa in Kh. No. 60/23 in village Bijwasan, New Delhi.

2.2 It is admitted by the petitioners that they have made constructions and rest of the land is used for agriculture purpose. It is also admitted by petitioners that prior to the year 2000 they have made certain constructions. It is stated by the petitioners that they received a conditional order dt. 05.05.2006 with a direction to convert back the land measuring 01 Bigha 04 Bishwa into agricultural purpose as they have made construction as per report of Halqa Patwari on that part of land.

2.3 That pursuant to said notice petitioners appeared before SDM/RA and filed reply alongwith the copy of Khasra girdawari of year 2000-01 wherein the halqa Patwari had shown the construction on the said land. It is stated by the petitioner that despite this fact SDM/RA allowed the petition u/s 81 of DLR Act vide order dated 05.03.2007 vesting thereby the land with Gaon Sabha wherein the petitioners have constructed structures. However, proceedings u/s 81 in respect of rest of the land was dropped as the same was being used for agricultural purpose. It is the contention of the petitioners that these proceedings

were started after the expiry of statutory period of 3 years as per schedule provided in DLR Act.

2.4 It is further stated by the petitioners that against the vesting order dated 05.03.2007 they filed an appeal before Dy. Commissioner. However Dy. Commissioner (South West) vide order dated 17.08.2012 had dismissed the appeal in respect of the land where the petitioners have constructed their structures. Whereas, in respect of balance land, Gaon Sabha filed an appeal against the order of SDM/RA dated 05.05.2006, wherein the proceedings u/s 81 was dropped by SDM/RA for being used as agricultural purposes. In the said appeal Dy. Commissioner(South West) vide impugned order dated 24.08.2012 has directed the SDM/RA to carry out fresh inquiry in respect of land in Kh. No. 60/18(1-04) and 60/23(0-12) for which the proceedings u/s 81 was dropped by SDM/RA. Hence by present petitions the petitioners prayed for set aside the order of Dy. Commissioner(South West) dated 17.08.2012 and order dated 24.08.2012.

The operative part of order of Dy. Commissioner(South West) dated 17.08.2012 is:-

*"In view of the facts produced in the instant case and after hearing of arguments & perusal of records, I am of considered opinion that present appeal is devoid of merits. Accordingly, same is dismissed. Announced in open court."*

The operative part of order of Dy. Commissioner(South West) dated 24.08.2012 is:-

*" It is informed by appellant that houses are existing in major portion of suit land since 1950 and hence no proceedings u/s 81 are legal. Respondent has contended that appeal does not stand any ground as Khasra no. can not be vested in part and infact entire suit land should have been vested.*

*In view of the conclusions arrived at in the judgment above I hereby order the SDM/RA to carry out fresh inquiry in respect of the land measuring 01 bigha 04 bishwa in Kh. No. 60/18 and 0-12 bishwa in Kh. No. 60/23 for which proceedings u/s 81 of DLR Act have been dropped vide conditional order dated 05.05.2006 and final order dated 05.03.2007 in case no. 58/RA/2005. However the order regarding vesting of rest of the land in the Gaon Sabha and ejection of the*

*respondent is upheld. SDM, Vasant Vihar and BDO, South West to take further necessary action. "*

3. Respondent Gaon Sabha in their reply has contended that proceedings u/s 81 of DLR Act was initiated on the basis of report dated 13.10.2005. On the report of which conditional order was passed on 05.05.2006 and three months time was given to the petitioners to convert back their land to agricultural purpose. However, petitioner failed to convert their land into agricultural purpose. However petitioner failed to comply with the conditional order dated 05.05.2006. Thereafter on SDM/RA vide order dated 05.03.2007 had vested the land into Gaon Sabha and petitioner were ejected from the suit land.

3.1 It is further stated by Gaon Sabha that appeal of the petitioners was rejected by Dy. Commissioner vide impugned order on the ground that petitioner was granted ample opportunities yet the petitioner failed to convert back his land into agricultural purpose. Hence, their present revision petition is not maintainable and same is liable to be dismissed as petitioners are not entitled to any relief.

3.2 It is also contended by the Gaon Sabha that as per impugned order dated 24.08.2012 an inquiry was to be conducted by SDM/RA. However, no such inquiry has been done till date. Counsel for Gaon Sabha further stated that if any prejudice is caused to the petitioner he has the legal remedy as per law.

4. I have heard the arguments of both the parties and perused the materials/orders placed on record.

5. It is admitted by the petitioners that they have constructed a structures on the some part of suit land.

6. It is also not denied by the petitioners that they had received a conditional order dated 05.05.2006 with a direction to convert back their land into agricultural purpose within three months from the date of order. Admittedly, the petitioners appeared before SDM/RA however despite opportunities so given, petitioners failed to convert back their land into agricultural purpose and it is not denied that the

land in the nature of its usage remains non agricultural even today. Hence Dy. Commissioner rightly as dismissed the appeal of petitioners. As regard the appeal of Gaon Sabha which is admitted vide Dy. Commissioner order dated 24.08.2012, I see not how prejudice shall be caused to the petitioners if an inquiry is conducted. The inquiry will only set forth the true picture and that cannot prejudice any one. Needless to say if the inquiry doesn't present the correct facts or present them fully or correctly and that is likely to cause prejudice then it goes without saying there would be ample remedies available on the action taken thereon. Hence, the orders warrant no interference.

5. Therefore I see no reason to interfere with the orders of Dy. Commissioner(South West) dated 17.8.2012 and 24.08.2012. With above terms the present revision petitions are disposed off.

6. Announced in open court on 09<sup>th</sup> February, 2016.

**(JITENDRA NARAIN)**  
**FINANCIAL COMMISSIONER, DELHI**  
Dated 09<sup>th</sup> February, 2016