

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case No.84/2014

**Under section 16 of Punjab
Land Revenue Act, 1887**

In the matter of :-

**Shri Mahender Kumar
S/o Shri Tara Chand
R/o D-7, Satyawati Colony
Ashok Vihar Phase-III
Delhi-110052**

**....Petitioner/Appellant
(Represented by Shri
Sandeep, Counsel for
Petitioner)**

VERSUS

**Deputy Commissioner(Central)
Revenue Department
Govt. of NCT of Delhi
14, Darya Ganj
Delhi-110002**

..... Respondent

**(Represented by Shri
Vinod Kumar Pandey,
Halka Patwari for
Respondent)**

NAINI JAYASEELAN, FINANCIAL COMMISSIONER

Order dated 11.09.2015

1. The present case was instituted on the reference received from the ADM/Addl. Collector under Section 16 of the Punjab Land Revenue Act, 1887 by way of directions passed by the Public Grievances Commission vide their reference No.PGC/2012/Rev./291 titled "Shri Mohinder Kumar V/s Dy. Commissioner (Central)".

2. The case of the Petitioner is that –

- i. As per revenue record of the Village Sandhoran Kalan, Khasra No.308/15 measuring 1-13 biswa is agricultural land.

ii. Ownership of Khasra No.308/15 was recorded in the name of Mahender Kumar in the year 1960-61 in the Jamabandi.

iii. The concerned Khasra No. was acquired along with some other khasra Nos. vide award No.1569 announced in 1963 for DDA.

iv. During the Kabja Karwahi, possession of Khasra No.308/15(1-13) was not taken over because the Hon'ble Court of ADJ has granted stay. However, the concerned khasra number was de-notified vide Notification No.F.4(14)/6/-L & H(1) dated 23.09.1965 but the correction as per the notification was not carried out in the revenue record. According to the Award No.1569 dated 23.05.1963, all the khasra numbers have been entered in the revenue record in the name of "Sarkar Daulatmadar" along with the Khasra No.308/15, whereas it is an admitted fact that possession of Khasra No.308/15 was never taken.

v. In the Jamabandi of the Village Sandhora Kalan in 1967, since the khasra No.308/15 was acquired by the DDA it was entered in the name of Sarkar Daulatmadar. Hence, the name of Sarkar Daulatmadar was entered against the khasra No.308/15 inadvertently and it is needed to be corrected.

vi. Correction could not be carried out because of the pendency of the Civil suit. Final decree has been passed in the Civil suit No.RCA-33/08 dated 21.01.2009.

3. *Public Grievance Commission vide its order dated 01.04.2014 ordered that the entry in the revenue record may be erroneous but the final decision is to be taken by the Competent Authority. As per Section 13 of the Punjab Land Revenue Act, 1887, an appeal shall lie against the original order of the revenue officer to the Collector as made by the Assistant Collector. As per Section 16 of the Punjab Land Revenue Act, if the Collector is of the opinion that the order*

*made by any revenue officer under his control, should be modified or reverse, he **shall** report the case with his opinion for the orders of the Financial Commissioner. Deputy Commissioner(Central) was present during the hearings before the Public Grievance Commission and therefore, this case was referred by the ADM/Addl. Collector in accordance with section 16 of the Punjab Land Revenue Act, 1887.*

4. A status report dated 11.05.2015 was filed by the Tehsildar(Civil Lines) wherein it has been categorically mentioned that land in reference as shown as Satkar Daulatmadar, inadvertently, hence it should be corrected.

5. Since it is admitted by the revenue authorities that inadvertently revenue entry with regard to Khasra No.308/15 has been made in the name of Sarkar Daulatmadar, the entry is to be corrected in the name of the Petitioner.

6. Accordingly, the case is disposed of.

7. Pronounced in open Court on 11th September, 2015.

(NAINI JAYASEELAN)
Financial Commissioner
11th September, 2015.