

**IN THE COURT OF COLLECTOR, DISTRICT : SOUTH-WEST
OLD TERMINAL TAX BUILDING, KAPASHERA, NEW DELHI**

No - 27552
Appeal No.:01/2014

01/5/19

Case ID: 4893

Sh. Hargyan Singh & Ors. Appellant

Vs.

Gaon Sabha Mitraon Respondent

ORDER

By this order I shall dispose off the present appeal filed by the appellant against the order dated 11.04.2011 & 17.09.2013 of the SDM/RA whereby, the land bearing Khasra No. 29//19 (4-10), 20 (4-16), 22/1 (3-7), 30//16/2 (4-4) of Village Mitraon was vested vide order dated 11.04.2011 & Ld. RA has directed the BDO to demolish the illegal structure & take the possession of the land by order dated 17.09.2013.

Contention of Appellants:

1. Appellant submitted that we had made representation to the Government of NCT of Delhi for regularization of the unauthorized colony known as Gopal Nagar, M&N block Najafgarh vide letter dated 31.01.2007, and this is the colony present on the aforesaid land.
2. The appellant also emphasized upon the circular dated 03.07.2013 for representing that the land of the unauthorized regularized colonies shall not be covered by the provision of DLR Act.
3. Appellant also submitted that the non-agricultural use of suit land has been started before 3 years and the cognizance had not been taken by Ld. Revenue assistant.
4. The appellant relied upon section 3 of the National Capital Territory of Delhi Laws (Special Provisions) second Act, 2011 in which it is provided that Central Government shall before the expiry of this act take all possible measures to deal with problem of encroachment and un-authorized colonies and till then the enforcement to be kept in abeyance.
5. The appellant also submitted the provisional certificate of regularization of the colony and thus representations to be covered within circular dated 03.07.2013.

Contention of Respondent:

Respondent submitted that till now only the provisional regularization certificate is provided w.r.t. the colony existed on the suit land. Thus, the judgment of Delhi High Court Sh. Atul Singh Gandas & another Vs. Lt. Governor of GNCTD & Ors. will be applicable in the present matter in which it is stated that a provisional regularization certificate is of no legal consequence and the same would not be considered or recognized by any



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court or authority as the same creates no legal right. It also stated that no court / authority shall recognize or pass any order relying upon the provisional regularization certificate.

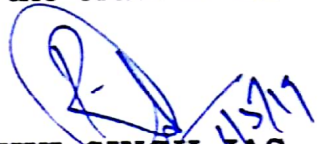
Observation:

That after perusal of the records, pleadings, circular dated 03.07.2013 and hearing the arguments it is observed that the suit land is not protected under the NCT Act of 2011, as section 3 of the NCT Act entrust the responsibility upon the Central Government to take all possible measures to finalise norms and policy guidelines related to un-authorised colonies. The government took such policy decision where certain number of colonies were *regularized* after adopting certain procedure. The circular dated 03.07.2013 was in recognition of such policy decision and it state that provisions of DLR Act will not be applicable to the areas within the boundaries of un-authorised *regularized* colonies and buildings in respect of which building plans has been sanctioned by the competent authority.

In the present case, the colony where the suit land exists neither has been regularized nor any sanctioned building plan has been issued by any competent authority. The appellant only claim to have a provisional certificate and Hon'ble High Court in Sh. Atul Singh Gandas & another Vs. Lt. Governor of GNCTD & Ors. has already held that a provisional regularization certificate is of no legal consequence and the same would not be considered or recognized by any court or authority as the same creates no legal right and that no court / authority shall recognize or pass any order relying upon the provisional regularization certificate.


Conclusion:

In view of the aforesaid fact & circumstances the appeal filed by the appellant does not have any merit to interfere with the order dated 11.04.2011 & 17.09.2013 passed by the SDM/RA. Thus the order of the SDM/RA is upheld.


RAHUL SINGH, IAS
(COLLECTOR, SOUTH WEST)

Copy to:

1. Both the parties
2. SDM/RA (Najafgarh)
3. Guard File
4. System Analyst


RAHUL SINGH, IAS
(COLLECTOR, SOUTH WEST)