



GOVERNMENT OF NCT OF DELHI  
COURT OF THE SDM / REVENUE ASSISTANT (NAJAFGARH)  
TUDA MANDI, NAJAFGARH, NEW DELHI - 110043.

No.SDM/RA/NG/2011/ID-2735/1927-1930

Dated: 07/05/2019

Case No. 01/2011

U/S.: 55 (Partition) DLR

SURAJ MAL & ORS.

VRS.

ANIL KUMAR & ORS.

**ORDER**

By this order I, shall dispose off the case under Section 55 of Delhi Lad Reform Act, 1954 filed by Sh. Suraj Mal & Ors. for partition of suit land bearing Khata No. 158/157 consisting Khasra No. 17//14/2(2-08), 17(4-16), 18(4-16), 23(4-16), 32//9/1(5-05), 9/2(0-14), 11(2-10), 12(4-16), 19(4-16), 22/1(3-04), 78//14/1 (0-04), 14/2(6-10), 15(4-16), 16(4-16), 17(4-13), 18(6-10) and 107//9(4-16), 10/1(3-18) admeasuring 74 Bigha 04 Biswa, situated in the revenue estate of village Dichaon Kalan.

Sh. Suraj Mal & Ors., the petitioners and Sh. Anil Kumar & Ors., the respondents, are the recorded bhumidhars of the holding bearing Khata No. 158/157 consisting Khasra No. 17//14/2(2-08), 17(4-16), 18(4-16), 23(4-16), 32//9/1(5-05), 9/2(0-14), 11(2-10), 12(4-16), 19(4-16), 22/1(3-04), 78//14/1 (0-04), 14/2(6-10), 15(4-16), 16(4-16), 17(4-13), 18(6-10) and 107//9(4-16), 10/1(3-18) admeasuring 74 Bigha 04 Biswa, situated in the revenue estate of village Dichaon Kalan.

**Reason of Dispute:-**

Whether, the land is less than 8 standard acres can be partitioned or not.

Section 55 of DLR Act clearly says that: (1) A Bhumidhar may sue for partition of his holding (2) To every such suit the Gaon Sabha concerned shall be made a party.

Further, the restrictions are placed under section 57 in the manner in which partition cases under DLR Act are to be dealt.

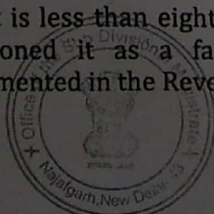
Section 57 (1) of DLR Act, 1954 is put as below:-

- (a) That the aggregate area of holding or holdings to be partitioned does not exceed eight standard acres, or
- (b) That the partition will result in a holding of less than eight standard acres, the Court shall in the cases falling under clause (a) instead of proceedings to divide the holding or holdings direct the sale of the same and a distribution of the proceeds thereof, and in cases falling under clause (b) either proceed to divide the holding in accordance with such principles as may be prescribed or in the alternative dismiss the suit.

Further, Delhi Land Revenue Act, 1954 is a complete code in itself. There is no warrant to travel outside the Act & Rules for further restriction in the right or manner of transfer of bhumidhari rights.

It is also a case that apart from section 55 of DLR Act there is no other provision in DLR Act, wherein a bhumidhar can sue for partition. (Except Section 36 of DLR Act, which is meant for special cases).

Thus it is clear that in law, entire holding of bhumidhar(s) cannot be partitioned in case it is less than eight standard Acres. Even if we accept the argument the family has partitioned it as a family compromising among themselves, the same cannot be implemented in the Revenue Records.



*Satish Kumar*

Contd. on -2-

Therefore, I, Satish Kumar Gupta, RA (Najafgarh) hereby dismiss the partition application under Section 55 of DLR Act.

Copy sent to the Tehsildar (Najafgarh) for necessary entry in the Revenue Record.

File be consigned to record room.

Given under my hand and seal of this court on this 5<sup>th</sup> day of April, 2019.



*Satish Kumar*  
7/05/2019

**SATISH KUMAR GUPTA**  
**REVENUE ASSISTANT (NAJAFGARH)**

**Copy to:**

1. PS to DM/DC (SW), Kapashera, Delhi.
2. Tehsildar (Najafgarh) to update the Revenue records.
3. Assistant Programmer (IT), O/o Dy. Comm. (SW), Kapashera to upload it on the official website.
4. Concerned Halka Patwari for updating revenue record.