

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

Appeal No.: 1/34/2019

25/02/2020

Case ID: 23024

Gaon Sabha Jharoda Kalan Appellant

Vs.

Pyare Lal & Ors. Respondent

ORDER

By this order I shall dispose off the present appeal filed by the appellant against the order dated 31.01.2018 passed by SDM/RA in case No. 2/58/2016 where by the SDM/RA had dropped the proceedings initiated under Section 81 of the DLR Act with respect to the land bearing Kh. No. 119/16 (4-16) of Village Jharoda Kalan.

Contention of Appellants:

1. That the impugned order is against the facts and is based on surmises and conjectures.
2. That no conditional order was passed during proceedings of the case, hence the provisions of law were not applied fully.
3. That the status of the land use report on which the proceedings were initiated is entirely opposite to all the land status reports.
4. That there is boundary wall still exists around the land in dispute and alleged store house is there.
5. That the impugned order dated 31.01.2018 is apparently based on grossly misreading of the record of rights and the case law, and complete non-appreciation and non-consideration of law as well as the corrects facts.

Reports and materials taken on record:

1. LSR report dated 08.01.2020:

Khasra No.	Area	Status
119/16	4-16	Cauliflower is sown on the suit land

Observation:

After perusal of the report of the Tehsildar, photographs and khasra girdawari of the suit land (2017-18, 18-19, 19-20), it is observed that the suit land is being used for agricultural activities only and crop of Cauliflower is sown on the suit land (2019-20). All these reports are thus consistent and the facts of the case do not seem to be in doubt.

Conclusion:

In view of the above, this court is of the opinion that the appeal is dismissed and the order of the SDM/RA is upheld.



RAHUL SINGH, IA
(COLLECTOR, SOUTH WEST)

25/2/2020

Copy to:

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



RAHUL SINGH, IAS
(COLLECTOR, SOUTH WEST)