

(2010) 03 DEL CK 0041
In the Delhi High Court
Case No : Writ Petition (C) 2 of 2007

Jag Mal Singh and Others

APPELLANT

Vs

Gaon Sabha Tiggipur and Others

RESPONDENT

Date of Decision : 10-03-2010

Acts Referred:

Delhi Land Reforms Act, 1954 — Section 85, 86A

Citation : (2010) 03 DEL CK 0041

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Ashish Ruchela, D.V. Khatri, for the Appellant; Ruchi Sindhvani and Bandana Shukla for R.1-3, for the Respondent

Judgement

Sanjiv Khanna, J.—In view of the limited controversy involved in the present Writ Petition, I need not discuss the facts in detail.

2. The petitioner has submitted that the respondents are not recording entries in khasra girdawari as required under the provisions of the Delhi Land Revenue Act, 1954 (hereinafter referred to as the Revenue Act, for short). It is the obligation of the respondent-revenue authority to make entries recording possession in khasra girdawari under the provisions of the Revenue Act in view of the decision of the Delhi High Court in Balbir Singh Vs. A.D.M. (REVENUE) and Others, .

3. The contention of the learned Counsel for the revenue authorities that recording of entries will adversely affect the pending proceedings under Sections 85 and 86A of the Delhi Land Reforms Act, 1954 is misconceived. The said proceedings have to be decided on the basis of the cause of action and rights of the parties when the proceedings were initiated. Rights which have accrued and proceedings once initiated are not affected by subsequent entries in the revenue records for future years. If an eviction order u/s 86A of Delhi Land Reforms Act, 1954 is passed, the same is not invalid or a nullity because of subsequent revenue entries of possession. The proceedings under the Delhi Land Reforms Act, 1954 are determined and decided on the basis of rights of the parties and

facts existing on the date when petitions were filed and not on the basis of subsequent entries under the Revenue Act.

4. In case there is further encroachment by the petitioner, it is open to the respondent-revenue authorities to take appropriate action in accordance with law and remove the said encroachment. If any further cause of action has arisen, the respondents can initiate action as per law.

5. Application-C.M. No. 8454/2009 has been filed on behalf of Mr. Virender Singh Rajput. It is open to the said applicant to make claim before the revenue authorities in respect of his rights. This Court is not adjudicating or deciding the said application or inter se disputes between the applicant and the petitioner herein.

6. As per the affidavit filed by Government of NCT of Delhi, proceedings u/s 86A of the Delhi Land Reforms Act, 1954 were initiated against the petitioner and ejectment Order dated 11th October, 1982 was passed. The said ejectment order was quashed by this Court in Writ Petition No. 1607/1983 with the direction that the revenue assistant would proceed further on the basis of another notice issued u/s 86A of the said Act. The said proceedings have remained pending. The revenue assistant will ensure that the proceedings u/s 86A are disposed of expeditiously and preferably within six months from today.

Writ Petition is accordingly disposed of.