
(2010) 09 DEL CK 0377

In the Delhi High Court

Case No : Writ Petition (C) No. 5716 of 2010

Shobha Chand

APPELLANT

Vs

Dy. Commissioner (SW) and Others

RESPONDENT

Date of Decision : 24-09-2010

Acts Referred:

Delhi Land Reforms Act, 1954 — Section 86A
Delhi Land Revenue Rules, 1962 — Rule 63

Citation : (2010) 09 DEL CK 0377

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Sunil Chauhan, for the Appellant; Neeraj Chaudhary, for the Respondent

Judgement

Rajiv Sahai Endlaw, J.—The petitioner claims to be in occupation of land admeasuring 12 Bighas & 13 Biswas bearing Khasra Nos. 41/5 (0-14), 42/1/1(3-12), 10(2-16), 12/1(2-7), 9/2(3-14) situated in the Revenue Estate of village Samaspur Khalsa, Najafgarh, New Delhi for the last four decades. The petitioner admits that the land is recorded in the name of the respondent No. 3 Gaon Sabha. The petitioner by this writ petition seeks a direction to the respondent No. 1 and to the respondent No. 2 Tehsildar to carry out entries in the relevant column in the Khasra Girdawari in accordance with Rule 63 of the Delhi Land Revenue Rules, 1962 and to reflect each and every crop sown by the petitioner and to record his cultivatory possession with respect to the said land. The petitioner contends that the respondents 1 & 2 are bound to do so in terms of Rule 63 (supra) and are failing in their duty. The petitioner claims to have earlier filed writ petitions for the same relief and pursuant where to the respondents are informed to have recorded the possession of the petitioner for the year/crop for which direction was issued. The petitioner however claims that the failure of the respondents 1 & 2 compels her to file writ petitions repeatedly.

2. The petitioner further pleads that his possession over the said land is not

disputed by the respondent No. 3 inasmuch as the respondent No. 3 Gaon Sabha has in or about the year 2005 initiated proceedings against the petitioner u/s 86A of the Delhi Land Reforms Act, 1954.

3. In the earlier writ petitions filed before this Court, directions were issued to the revenue authorities to examine the application of the petitioner under Rule 63 and to pass a speaking order thereon. Though I have in judgment dated 16th September, 2010 in WP(C) No. 5807/2010 titled Sh. Bhagmal v. Gaon Sabha, Aya Nagar held that once the proceedings u/s 86A are pending, person in possession cannot insist upon his possession being recorded but nevertheless since no order has been passed on the applications of the petitioner, the respondents 1 & 2 are directed to within four weeks from today make a speaking order on all pending applications of the petitioner under Rule 63 aforesaid and in the said order to also deal with the question whether during the pendency of the proceedings u/s 86A of the Delhi Land Reforms Act the said Rule 63 of Delhi Land Revenue Rules is to be complied with or not. With the aforesaid directions, the petition is disposed of. No order as to costs.