

Sh. Vimal Kumar vs.govt. Of n.c.t of Delhi and Ors.

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Court : Delhi

Decided On : Jan-31-2019

Appellant : Sh. Vimal Kumar

Respondent : Govt. Of n.c.t of Delhi and Ors.

Judgement :

§~16 * IN THE HIGH COURT OF DELHI AT NEW DELHI Judgment dated:

31. t January, 2019 SH. VIMAL KUMAR + W.P.(C) 431/2019 & CM APPL. 1970/2019 GOVT. OF N.C.T OF DELHI AND ORS. versus Through: Mr.M.A.Khan, Advocate

... Petitioner

.....

... RESPONDENTS

Through: Ms.Hetu Arora Sethi, ASC for GNCTD with Mr.Anuj Kapoor, Advocate
CORAM: HON'BLE MR. JUSTICE I.S.MEHTA JUDGMENT1 This is a petition under Article 226 of the Constitution of India seeking the issuance of a writ in the nature of mandamus thereby directing the respondent Nos.2 to 5 for making entries in the khasra register in column No.21 of the khasra Girdwari in respect of the harvesting of the crops of the petitioners.

2. Learned counsel for the petitioner submits that the subject land was in cultivatory physical possession of the father of the petitioner for last more than 40

years and the same is in continuous cultivatory possession of the petitioner. He further submits that despite oral and written request, the W.P.(C) 431/2019 Page 1 of 2 respondent Nos.2 to 5 are not recording the cultivatory possession of the petitioner qua the subject land. He further submits that despite the mandate of Rule 49 of the Delhi Land Revenue Act and the Delhi Land Revenue Rules, the respondents have failed to record the name of the petitioner in the relevant records and prays for issuance of directions to record the possession of the petitioner in column No.21 of the Khasra Girdwari in respect of the harvesting of the crops of the petitioners in regard to lands comprised in Khasra No. (4-16), situated in the revenue State of village Tigipur, Delhi 110 036.

3. Having heard the learned counsel for the parties, this Court is of the view that the respondents are statutorily required to inspect the land and to record the possession of the person found in cultivator possession of the property. Accordingly, the respondents are directed to ensure compliance with the statutory provisions of the Delhi Land Revenue Act and the Rules framed thereunder, verify the claim of the petitioner and make the necessary entries in the revenue recording the entry of the person who is found in possession within a period of eight weeks from today.

4. The petition is disposed of in the above terms. All pending application(s) (if any) also stand disposed of.

5. Dasti. I.S.MEHTA, J JANUARY31 2019 W.P.(C) 431/2019 Page 2 of 2

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