

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case no. 297/2015

**Petition under section 72 of Delhi
Land Revenue Act, R/W Sec 28 of
DLR Act, 1954.**

In the matter of:-

**Shri Niwas Bahot
S/o Late Sh. Phool Singh
R/o 12 Ajit Vihar, Village
Burari Garhi Delhi-110084**

.....Petitioner

**(Represented today by Shri Rambir Chauhan,
Counsel, for Petitioner)**

Versus

**1. Tehsildar (Civil Lines)
Room No. 27 & 28, Old Food Supply Building
Tis Hazari,
Court Complex Delhi**

**2. B.D.O (Central)
Room No. 27 & 28, Old Food Supply Building
Tis Hazari,
Court Complex Delhi**

..... Respondents

**(Represented by Sh. Krishan Mohan Counsel for
R-1 and Sh. Sanjay Sharma, Counsel for R-2 & 3)**

JITENDRA NARAIN, FINANCIAL COMMISSIONER

Order dated 09.02.2016

1. The petitioner, Shri Niwas Bahot filed present petition under Section 72 of Delhi Land Revenue Act, 1948 read with Section 28 of Delhi Land Reforms Act, 1948 against the demarcation report dated 03.09.2015 conducted by respondents in respect of kh. No. 527/42/4(0-01) of village Burari. The petitioner, Shri Niwas Bahot vide present petition is seeking direction to respondents for a fresh demarcation and setting aside the demarcation report dated 03.09.2015 as well.
2. It is stated by the petitioner Shri Niwas Bahot that on 03.09.2015, respondents along with other revenue officials demarcated the kh. No. 527/42/4, which is as per the petitioner being used as Rasta by local residents.
3. The petitioner Shri Niwas Bahot further stated that he had filed a petition before the predecessor of this court in respect of same khasra i.e Kh. No. 527/42/4 wherein as per the petitioner Ld. predecessor of this court passed an order of status quo in respect of Rasta which is being used by the local residents.
4. The grievance of the petitioner is that the respondents without giving any opportunity to the adjoining land owners and without giving any notice of demarcation the demarcation dated 03.09.2015 was carried out.

5. The respondents though not filed any formal reply, however they questioned the *locus standi* of the petitioner Shri Niwas Bahot on the ground that the owner Shri Som Dutt Tyagi S/o Yog Dutt have sold the land and petitioner Shri Niwas Bahot is not the actual/recorded land owner.
6. During the pendency of the case petitioner Shri Niwas Bahot sought time on 08.12.2015 for settlement between parties. However, on 16.12.2015 both parties stated that there is no settlement between parties. Petitioner Shri Niwas Bahot was directed three times on 16.12.2015 to file proof of ownership/locus during the day which was reiterated on 06.01.2016. However, no copy of sale deed was filed. The *locus standi* of the petitioner Shri Niwas Bahot is raised every time by the respondents by stating that his earlier petition on similar khasra was dismissed vide FC order dated 20.12.2011. Against the said order petitioner, Shri Niwas Bahot approached Hon'ble High Court in WP(C) No. 2958/2013, which was also dismissed vide Hon'ble High Court order dated 11.02.2015 with 25,000/- rupees cost.
7. From the conduct of the petitioner Shri Niwas Bahot it appears that the petitioner has not come to this court with clean hands. He repeatedly claimed locus through a sale deed. He could not filed any such sale deed of the said land in his favour from the recorded owner. Later on 22.12.2015 LOD (list of documents) was filed by Sh. Shri Niwas Bahot wherein he said sale deed at item no 2. On perusal it is found that there is no sale deed but only general power of attorney by Sh. Som Dutt Tyagi in favour of Smt. Santosh Kumari and not the appellant. Counsel for petitioner Shri Niwas Bahot admitted that there is no sale deed of the said land and only G.P.A.
8. In view of the above observations, the present petition is dismissed as the petitioner despite being given so many opportunities failed to prove his *locus/interest in the suit land*. However, it is open to the rightful owners to move DC for demarcation if they so feel.
9. Present petition is disposed off. Announced in open court on 09.02.2016.

JITENDRA NARAIN,
FINANCIAL COMMISSIONER
Order dated 09.02.2016