

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 815/2022

IN THE MATTER OF:

Suresh Chand

..... Applicant

Versus


D.M. Kapashera & Ors.

..... Respondents

I N D E X

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FILED BY:

  
JYOTI MENDIRATTA  
(ADVOCATE)  
For Applicant/Respondent  
H-34, Jangpura Extension  
(Lower Ground Floor)  
Near INOX EROS Cinema  
New Delhi-14

NEW DELHI

DATE: 20-09-2024

**BEFORE THE NATIONAL GREEN TRIBUNAL  
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Original Application No. 815/2022**

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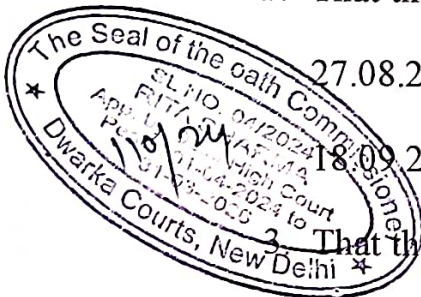
D.M. Kapashera & Ors. .... Respondents

**Additional affidavit on behalf of SDM, Kapashera**

**Most Respectfully Showeth:**

I, Shelly D/O Satish Rathee, aged about 30 years, presently posted as SDM, Kapashera, South West, Delhi, do hereby solemnly state and affirm as under:

1. That the above-mentioned matter i.e., O.A. No. 815/2022 has been filed by the applicant alleging about encroachments on pond measuring 13 Bighas 10 Biswas comprised in Khasra No. 111 in village Kanganheri.
2. That this affidavit is being filed in addition to the affidavit filed on 27.08.2024 and in terms of directions by the Hon'ble NGT on 18.09.2024.



3. That the claim of the Respondent No. 5 & 6 at Para-3 of their reply regarding the pendency of their objections related to correction of revenue record in r/o Khasra no.'s 112/258/274 is denied and it is

submitted that their objections have been decided by the SDM (Kapashera) vide order dated 01.08.2024 (Annexure-A).

4. This report along with its annexures is humbly submitted before this Hon'ble Tribunal for kind consideration.

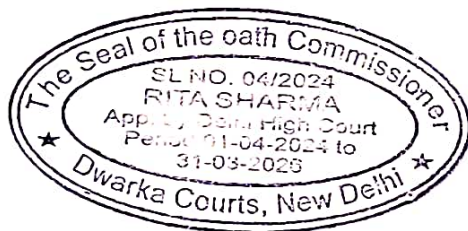
*Shelly*  
20/09/24  
**MS. SHELLY, DANICS**  
Sub-Divisional Magistrate (Kapashera)  
South-West District, GNCTD  
Old Terminal Tax Building  
Kapashera, New Delhi-110037

VERIFICATION:

Verified at New Delhi on this 20th day of September, 2024 that the above affidavit is true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

*I identify the deponent who has signed in my presence.*

*Shelly*  
20/09/24  
**MS. SHELLY, DANICS**  
Sub-Divisional Magistrate (Kapashera)  
South-West District, GNCTD  
Old Terminal Tax Building  
Kapashera, New Delhi-110037



**ATTESTED**

*[Signature]*  
Oath Commissioner Delhi

20 SEP 2024



IN THE COURT OF SDM KAPASHERA/REVENUE ASSISTANT  
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (KH)/ SOUTH-WEST DISTRICT  
OLD TERMINAL TAX BUILDING, KAPASHERA, DELHI - 110037

No. SDM/RA/KH/2024/71413

DATED: 01/08/2024

ORDER

The present matter pertains to the village Kanganheri regarding the Khasra no.(s) 274, 112, 258 and 245 situated in the village Kanganheri.

Whereas, the co-owners have filed WP (C) no. 12472/2023 titled as Sh. Surender & Ors. Vs GNCT of Delhi vide which the demarcation report dated 28.02.2023 and the subsequent action of demolition dated 15.05.2023 conducted by the Revenue Department was challenged.

Whereas, the plaintiffs in their petition before the Hon'ble High Court have claimed that they were allotted less land during the Consolidation and that their representations regarding correction of revenue record dated 09.01.2021, 20.02.2023 and 23.02.2023 have not been decided by the Tehsildar/SDM/DM.

The aforesaid WP (C) was however disposed of by the Hon'ble High Court with directions to the authorities to decide the representations filed by the plaintiffs. In pursuance of the directions of the Hon'ble High Court the matter was heard on 18.06.2024 wherein the submissions of the plaintiffs were considered.

Content of representation of Shri Bijender Singh

That the revenue records related to the Khata no. 100/105 Sheolal s/o Sh. Bal Dev with Khasra no.(s) (245, 274, 112, 258 and other adjoining khasra(s) is not correct and that has resulted in wrong demarcation of their plots. Hence, they have requested to correct the revenue records.

The petitioners have further alleged that their applications for the correction of errors during consolidation are pending before the Tehsildar/Consolidation officer and no action has been taken in this regard.

Brief facts of the case:

Upon perusal of the application(s) of the plaintiffs, it has been observed that the subject matter of their application/representations pertains to the rectification of the records of consolidation and allotment made to their predecessors during the consolidation.

Whereas, the consolidation of the Village Kanganheri was concluded in the year 1970-71. Hence, upon conclusion of the consolidation proceedings and consigning of the records thereof to the record room, the Consolidation proceedings have attained finality. Now, the plaintiffs



have awakened to get the errors rectified after lapse of several decades since the finalization of allotment, partition/re-partition of the land during the Consolidation proceedings.

Further, during the Consolidation proceedings claims and objections are invited against the draft scheme of consolidation and thereafter considered by the Consolidation officer. After consideration of all such claims and objections the scheme of consolidation is finalized and notified. Further, any appeal against the scheme in force lies with the Financial Commissioner under Section 42 of the East Punjab Holding Act.

In this regard it is pertinent to refer to the decision of the Hon'ble Supreme Court emphasizing the finality of decision in the matter titled as

1. *State of Punjab vs Amar Singh (1974 AIR 994, 1974 SCR (2) 657)*: The Hon'ble Supreme Court ruled that consolidation proceedings, once finalized, cannot be challenged after an inordinate delay. The Court stressed the importance of raising objections within the prescribed timeframe and held that reopening such matters would lead to chaos and undermine the consolidation process.

2. *Ram Charan Das vs Girja Nandini Devi & Ors. (1965 AIR 1039, 1965 SCR (3) 841)*: In this case, the Hon'ble Apex Court highlighted the need for stability in land records and the finality of administrative decisions. The Court held that any attempt to disturb settled land records after significant time had elapsed would be detrimental to the legal system's integrity.

Whereas, the plaintiffs have further claimed that their application for rectification of the consolidation records are pending and no action has been taken by the Tehsildar/Consolidation Officer. However, the averment is nothing but deliberate misrepresentation of facts, as vide order no. THE/KH (SW)/2019/80773 dated 09.11.2019 the then Tehsildar has already considered and rejected the application dated 20.05.2017 (Dy. No. 31207) filled by the co-owners of the (including the plaintiffs) for revenue records correction and the same was conveyed to Sh. Jai Prakash S/o Sh. Hari Ram. Whereas Sh. Hari Ram is one of the petitioners in the WP (C) 12472/2023 titled as Sh. Surender & Ors. Vs GNCT of Delhi.

Now therefore, I am of the considered opinion that the representation of the plaintiffs for correction of consolidation records/proceedings cannot be considered and are hereby rejected for being non-maintainable, with liberty to the plaintiffs to approach Competent Authority/Court for their grievances, if any.

*Selly*  
01/08/24

(SHELLY, DANICS)  
SDM (KAPASHERA)  
DISTRICT- SOUTH WEST  
**MS. SHELLY, DANICS**  
Sub-Divisional Magistrate (Kapashera)  
South-West District, GNCTD  
Old Terminal Tax Building  
Kapashera, New Delhi-110037

Copy to:

1. Sh. Surender s/o Late Sh. Sada Ram R/o VPO Kanganheri, same with all the co-owners/petitioners.
2. Guard File.

Sign In Register



You are here Home >> **Track Consignment**

## Track Consignment

\* Indicates a required field.

\* Consignment Number

ED617987099IN

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed Date
Basant Lok BNPL SP Hub	05/08/2024 11:15:36	110071	17.70	Inland Speed Post	Chhawla S.O	05/08/2024 11:15:36

### Event Details For : ED617987099IN

Current Status : **Item Delivered(Addressee)**

Date	Time	Office	Event
06/08/2024	14:37:50	Chhawla S.O	Item Delivered(Addressee)
06/08/2024	08:55:22	Chhawla S.O	Out for Delivery
06/08/2024	08:33:31	Chhawla S.O	Item Received
06/08/2024	06:26:24	New Delhi NSH	Item Dispatched
05/08/2024	20:46:24	Basant Lok BNPL SP Hub	Item Dispatched
05/08/2024	16:49:17	Basant Lok BNPL SP Hub	Item Bagged
05/08/2024	11:15:36	Basant Lok BNPL SP Hub	Item Booked



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**Service of Addl Affidavit in OA No. 815 OF 2022**

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**Jyoti Mendiratta** <jyoti.legal@gmail.com>

Fri, Sep 20, 2024 at 4:40 PM

To: "amreeshsisodia.adv@gmail.com" &lt;amreeshsisodia.adv@gmail.com&gt;

Dear Sir,

Please find the attached affidavit in the captioned matter, as and by way of service on you.

Best

Jyoti Mendiratta

Standing Counsel, GNCT of Delhi

Advocate-on-Record, Supreme Court

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