

(2012) 04 RAJ CK 0132
In the Rajasthan High Court
Case No : Civil Writ Petition No. 8210 of 2008

Amrit Lal and Others

APPELLANT

Vs

Board of Revenue and Others

RESPONDENT

Date of Decision : 06-04-2012

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2012) 04 RAJ CK 0132

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Advocate : P.S. Rathore, for the Appellant; Sandeep Bhandawat, Government Counsel, for the Respondent

Final Decision : Dismissed

Judgement

Gopal Krishan Vyas

1. In this writ petition, the petitioners are challenging impugned orders Annex.-2 dated 15.09.2004, Annex.-3 dated 15.09.2007 and order passed by the Board of Revenue, Ajmer upon revision petition filed by the petitioners Annex.-4 dated 01.07.2008. Contention of the petitioners is that they are having agriculture land in Chak 293, 400 RD and there is another patch of land situated adjacent to the land and, for allotment of that patch of land, petitioner Amrit Lal filed an application on 15.04.1995. Upon the said application, report of the Patwari was called but the said report was incomplete, therefore, application of the petitioner remained pending.

2. Allotment was made in favour of the private respondent in Chak 10 LD Muraba 111/26 u/s 13-A of the Allotment Rules of 1975 but the said allotment was cancelled in the light of judgment and decree passed in the suit filed by one Gulab Singh with direction to allot another land to her. Smt. Savitri Devi was allotted land situated adjacent to the land of the petitioner. The petitioner filed an application in the allotment proceedings initiated for allotment in favour of the

private respondent; but, the application filed by the petitioner was rejected and allotment was made in favour of private respondent vide order dated 15.09.2007.

3. Against the order dated 15.09.2007, an appeal was preferred by the petitioner before the Revenue Appellate Authority, Bikaner. That, too, was rejected vide judgment dated 21.01.2008. Against order passed by the Revenue Appellate Authority, Bikaner in appeal filed by the petitioner, further revision was filed by the petitioner before the Board of Revenue against allotment made in favour of Smt. Savitri but the Board of Revenue dismissed the revision petition and upheld the orders passed by the revenue authorities below and held that allotment made in favour of private respondent Smt. Satitri on 15.09.2007 is perfectly in consonance with law and petitioner cannot be treated to be aggrieved party because the said allotment was made in pursuance of judgment passed in civil case No. 105/02, Gulab Singh Vs. Savitri.

4. In my opinion, the concurrent finding given by all the Courts below is based upon facts, therefore, solely on the ground that petitioner's application for allotment as small patch was pending and, during pendency of that application, allotment has been made in favour of the private respondent does not create any right in favour of the petitioner because for allotment of land in favour of Smt. Savitri Devi the allotting authority passed an order in compliance of the judgment passed by the Sub Divisional Officer in the case of Gulab Singh Vs. Savitri Devi. Therefore, no interference is warranted in this writ petition in exercise of jurisdiction under Article 227 of the Constitution of India. Hence, this writ petition is accordingly dismissed.