

(1951) 11 RAJ CK 0008
In the Rajasthan High Court
Case No : Writ Petition No. 113 of 1951

Beeramdas

APPELLANT

Vs

Board of Revenue, Rajasthan

RESPONDENT

Date of Decision : 28-11-1951

Acts Referred:

Constitution of India, 1950 — Article 226

Rajasthan (Protection of Tenants) Ordinance, 1949 — Section 7

Citation : AIR 1954 Raj 40 : (1952) RLW 374

Hon'ble Judges : K.D. Sharma, J;J.S. Ranawat, J

Bench : Division Bench

Advocate : S.N. Saxena, for the Appellant;

Final Decision : Dismissed

Judgement

Sharma, J.—This is an application by Beeramdas under Article 226 of the Constitution of India for the issue of a writ in the nature of Mandamus or certiorari or any other writ or direction. It arises under the following circumstances. The opposite party No. 2, Daluram, made an application u/s 7, Rajasthan Tenant's Protection Ordinance, for his reinstatement over certain agricultural land. The applicant opposed the application put the Sub-divisional Officer, Junnjhunu, allowed the application and ordered the reinstatement of Daluram. Beeramdas went in revision to the Board of Revenue, Rajasthan. This revision application was allowed and further enquiry was ordered. The Sub-Divisional Officer, after some additional enquiry, again allowed the application. A revision application was filed against this order and the Revenue Board by its judgment dated 20-8-1951, upheld the order of reinstatement made by the Sub-Divisional Officer. The applicant Beeramdas now comes to this court under Article 226 of the Constitution of India.

2. We have Heard the learned Counsel for the applicant. He has not been able to show that the Board of Revenue either acted beyond jurisdiction or exceeded its jurisdiction. He has also not been able to point out that there has been any

patent illegality in the judgment. The Revenue Board has held on evidence produced that Daluram was in occupation of the property in dispute on 1-4-1948 and that he was dispossessed thereafter. Section 7, Rajasthan Tenant's Protection Ordinance, lays down that if a tenant is in occupation of some land on 1-4-1948, but has been dispossessed thereafter, he will be entitled to reinstatement if he makes an application within three months from the date of dispossession or from, the date of coming into force of Ordinance, whichever is later. In the present case, the Revenue Board has taken the two important conditions required by Section 7, into consideration and the judgment is based on evidence. Under Article 226, this court cannot exercise the powers of an appellate court & it is not for it to say whether the evidence was sufficient for a finding on these two points in favour of the tenant or not. The application has no force and it is dismissed.