
(2020) 03 RAJ CK 0113
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2757 Of 2020

Bhagwan Singh And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-03-2020

Acts Referred:

Rajasthan Colonization (Allotment and Sales of Government Land in the Indira Gandhi Canal Colony Area) Rules, 1975 — Rule 12A

Citation : (2020) 03 RAJ CK 0113

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : D.L. Mothsara, D.K. Joshi

Judgement

This writ petition has been filed by the petitioners claiming themselves to be the legal representatives of an ex-serviceman and claiming allotment under the provisions of Rajasthan Colonization Act, 1954 ('Act of 1954')/Rajasthan Colonization (Allotment and Sales of Government Land in the Indira Gandhi Canal Colony Area) Rules, 1975 ('Rules of 1975').

Various submissions have been made in the petition regarding the allotment having been made to the ex-serviceman, who has died, however, the allotment has not fructified and their claim to get the land in question allotted.

Learned counsel for the respondent-State has brought to the notice of the Court a Notification dated 10.12.2019, wherein, Clause-(xii) has been added to Rule 12A of the Rules of 1975, which reads as under:-

"(xii) Where an ex-servicemen submitted an application for allotment of land under this rule and his application is accepted for allotment but applicant has died before the issue of allotment order or handing over the possession of allotted land to him, the allotment order, if not already issued, shall be issued and in case already issued, a revised allotment order shall be issued in favour of his spouse or in case his spouse not alive in favour of his legal heirs. In such

case, before issue of such order or revised order, a notice shall be issued informing the fact of the death of the applicant and inviting claims from the legal heirs before a date fixed in such notice. Wide publicity shall be given to the notice and copy of notice shall be affixed on notice board of the office of Allotting Authority. The notice shall be sent to the concerned Zila Sainik Kalyan Board, it shall affix it on its notice board as also on the residence of the deceased applicant. It shall also be published in at least two state level newspapers having wide circulation in the State and the website of the Department. The claims shall be decided by the Allotting Authority in consultation with the Advisory Committee."

In view of the amendment made in the Rules, submissions have been made that the respondents have already initiated action based on the amended provisions and that the petitioners may approach the allotting authority, who will take into consideration the case of the petitioners and after following the due procedure, in case the petitioners are found entitled, the allotment shall be made to them.

In view of the above amended provisions and the submissions made by learned counsel for the respondents, the petition filed by the petitioners is disposed of with the directions to the allotting authority to follow the procedure as prescribed under Clause-(xii) of Rule 12-A of the Rules of 1975 and deal with the representation/application of the petitioners appropriately.

The petitioners may approach the allotting authority preferably within a period of four weeks and it is expected of the allotting authority to deal with the cases of the petitioners expeditiously and preferably within a period of four months from the date the petitioners approach the respondents.