

(1986) 12 RAJ CK 0017

In the Rajasthan High Court

Case No : Civil Writ Petition No"s. 103 and 105 of 1986

Bhanna Lal and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-12-1986

Acts Referred:

Citation : (1987) 1 WLN 560

Hon'ble Judges : M.B. Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mahendra Bhushan Sharma, J.—The petitioners were allotted surplus land under the Rajasthan Imposition of Ceiling on Agricultural Holdings Rules, 1973 (for short the Rules) after the land has been declared surplus under the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (for short, the Act). The orders declaring the land surplus being in excessive of the ceiling area were challenged in the writ petition by Jagannath and Bhojraj by filing S.B. Civil Writ Petitions Nos. 1183/76 and 1276/76 respectively. A learned Single Judge of this Court disposed of both the writ petitions mentioned above under his order dated September 28, 1984. The three orders of the ceiling authorities were quashed. In both the cases the S.D.O. was directed to decide the cases of Jagannath and Bhojraj after holding the enquiry into the question of dependency of the minor sons in the light of the observations made in the aforesaid judgment. Before the land had been allotted to the petitioners after having been declared surplus, the applications for restitution were filed on behalf of the non-petitioners No. 2 to 4 in the two writ petitions and the learned Assistant Collector under his orders dated December 10, 1985 allowed the applications and ordered the restitution in favour of the non-petitioners No. 2 to 4. He cancelled the allotment of the surplus land in favour of the petitioners here in and directed the Tehsildar that after the standing crops are harvested by the petitioners, the possession be resorted to the respondents No. 2 to 4. Aggrieved against the aforesaid order,

the two writ petitions have been filed.

2. In my opinion, both the writ petitions have no force. When the orders of ceiling authorities under the provisions of the Act declaring the land of the non-petitioners No. 2 to 4 as surplus have been set aside by this Court the non-petitioners were entitled to restitution and to be put in possession of the land which was declared surplus and from which they were dispossessed and the allotment of which was made to the petitioners.

3. There is no force in these writ petitions. They are hereby dismissed with no order as to costs.