
(2013) 05 RAJ CK 0164

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2442 of 1995

Bhur Bai (Smt.)

APPELLANT

Vs

LRs. of Late Ram Singh

RESPONDENT

Date of Decision : 06-05-2013

Acts Referred:

Citation : (2014) 1 CDR 47 : (2014) 1 RLW 867

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Dr. Vineet Kothari, J.—The case comes up for hearing after 18 years of having been filed in this Court on 1.7.1995 by Smt. Man Bai W/o. late Sh. Kan Singh and Smt. Bhur Bai D/o. Durjan Singh. The petitioner No. 3 LRs. of late Bhagwat Singh are the purchasers of the suit property, namely, agricultural land of 12 bighas and 6 biswas situated at Kaya Falan, Amli Ghati, Girwa, Udaipur, from Smt. Bhur Bai, who is daughter of Smt. Man Bai, who expired during the pendency of this writ petition vide application filed in this Court on 2.8.2002 and thus, her name was deleted from the array vide order dtd. 21.8.2002 and amended cause title was directed to be filed. The writ petition has been filed against the order of the learned Single Member of the Board of Revenue dtd. 8.3.1995, by which the Board of Revenue dismissed the revision petition No. 11/87/Udaipur-Man Bai and Ors. vs. Ram Singh and Ors. The said revision petition was filed against the order of the learned Revenue Appellate Authority in appeal No. 151/85 - Man Bai and Ors. vs. Ram Singh and Ors. which appeal also came to be dismissed by the learned RAA, Udaipur on 21.2.1987 holding the appeal to be time barred and rejecting the application filed u/s 5 of the Limitation Act refusing to condone the delay of 4 years in filing the said appeal against the decree in favour of respondent Ram Singh u/s 88 and 188 of the Rajasthan Tenancy Act, dtd. 10.7.1981, whereby the learned SDO, Head Quarter, Udaipur decreed the Revenue Suit No. 26/81- Ram Singh S/o. Kheem Singh vs.

Smt. Man Bai and Ors. in respect of this suit land. The said decree of learned SDO was ex parte, since on 8.4.1981, the concerned advocate of the defendants pleaded "no instructions" before the said Revenue Court of learned SDO and therefore, ex parte proceedings were drawn against the defendants. Being aggrieved by these impugned concurrent orders and decrees against the defendants-petitioners, the petitioners have filed the present writ petition under Article 227 of the Constitution of India in this Court on 1.7.1995. Thee decree holder Ram Singh is the cousin brother of late Kan Singh, husband of appellant No. 1 Man Bai.

2. Mr. L.R. Mehta, learned counsel for the petitioners urged that from the perusal of certified copies of order-sheets of the said first Revenue Court of learned SDO, it would appear that the suit was filed by the respondent Ram Singh S/o. Kheem Singh who was first cousin brother of deceased Kan Singh, husband of Smt. Man Bai, a physically disabled man, in the court of learned SDO, Girwa, Udaipur on 18.4.1979 claiming title of suit land on the basis of adverse possession. The learned counsel contended that from the order-sheet entry dtd. 29.7.1980, it would appear that on behalf of defendants No. 1 and 2, Advocate Sh. Jai Krishna Dave had appeared before the learned SDO, but on account of said Presiding Officer being on leave, the case was adjourned to 29.9.1980. However, in a post-script order of the same date 29.7.1980 itself, it was stated that the counsel for the plaintiffs was present and the counsel for the defendants was called by the Court at 10 A.M. and again at 4 P.M., but since he was not present, ex parte proceedings were drawn against the defendants No. 1 and 2 and the learned counsel for the defendant No. 3-purchaser expressed his desire not to file any written statement, though the defendants No. 1 and 2 had filed such written statement and thus, the case was fixed on 10.12.1980 for framing of the issues skipping the previously fixed date 29.9.1980 fixed in the presence of Sh. Jai Kishan Dave, who had appeared in the Court as per first of the order.

3. The learned counsel for the petitioner, Mr. L.R. Mehta urged that these two self-contradictory order sheets on the same date itself casts a serious doubt on the proceedings undertaken by the said Revenue Court of Sub Divisional Officer and different dated were fixed in this case on 29.7.1980 itself for different reasons and while in the first part, the learned Presiding Officer was said to be on leave and therefore, the case was adjourned to 29.9.1980, in another part it appears as if the learned SDO became available and the counsel for the defendants No. 1 and was summoned and he was shown as not present in the Court and the ex parte proceedings were drawn against the defendants No. 1 and 2, whereas in the first part of order sheet, presence of Mr. Jai Kishan Dave for defendants No. 1 and 2 was recorded. Mr. L.R. Mehta further brought to the notice of the Court that on 4.3.1981 during the pendency of the said trial with the learned SDO, Girwa, Udaipur, the case was transferred to the SDO, Head quarter, Udaipur as would appear from the signatures of SDO, Head Quarter, Udaipur on 4.3.1981 itself at the bottom of page 36 of the paper book, which is running order-sheets of both of the said Revenue Courts and after 4.3.1981, on 8.4.1981, the learned

SDO (transferee Court) at Head Quarter, Udaipur noted that the counsel for the defendants No. 1 and 2 (no name of advocate shown in this order) had pleaded "no instructions" on behalf of defendants No. 1 and 2 and therefore, again declared the proceedings to be ex parte against the defendants No. 1 and 2. The next date was then fixed on 23.4.1981 for framing of the issues, but on 23.4.1981, SDO was on leave and next date 8.6.1981, the Advocate for the plaintiff prayed for time and case was fixed on 8.7.1981. On 8.7.1981 everything happened on the same day in a snap shot manner and the learned SDO of transferee Court of SDO at Headquarters, Udaipur, not only framed issues, but also recorded the statement of the plaintiff himself and his witnesses, Homa and Ganga and also heard the arguments ex parte and kept the case for pronouncement of judgment and decree after two days on 10.7.1981. On 10.7.1981, the ex parte judgment and decree in favour of plaintiffs-respondents Ram Singh was passed by the learned SDO, Headquarter, Udaipur. Mr. L.R. Mehta brought to the notice of the Court graphically the insertions in the order sheet of 8.7.1981 by the said SDO by upper arrow marks at two places noting the alleged fact of framing of issues and hearing the ex parte arguments. He contended that since the defendants No. 1 and 2 were never informed about the transfer of their case itself from SDO, Girwa to SDO, Head Quarter, Udaipur nor the concerned Advocate gave them any notice about his pleading "no instructions" before the learned SDO, Head Quarter, Udaipur and even thereafter, the defendants were prevented by sufficient cause in not appearing before the learned SDO. Head Quarter, Udaipur either on 8.4.1981 or thereafter and thus an ex parte decree was passed against them on 10.7.1981 which caused them serious prejudice and deprived them of their agricultural land of 12 bighas 6 biswas and the same therefore, deserves to be set aside.

4. Mr. L.R. Mehta further contended that upon coming to know of the said decree dtd. 10.7.1981, though the defendants No. 1 and 2 filed first appeal before the learned RAA, Udaipur, but the learned Revenue Appellate Authority simply dismissed the appeal as time barred on 21.2.1987 and they also unfortunately lost before the learned Board of Revenue, when the learned Single Member of the Board of Revenue also dismissed their revision petition by the impugned order on 8.3.1995.

5. Therefore, he submitted that there has been a serious miscarriage of justice in the present case and defendants No. 1 and 2 having not been informed of the fact of transfer of the proceedings from one court to another, nor their advocate whose name is also not mentioned in the order-sheet of 8.4.1981 informed about his pleading "no instruction" and therefore, whether the same counsel pleaded "no instruction" by appearing before the transferee court of learned SDO Head Quarter, Udaipur or some body else without due authority did so, is not known to the petitioners and superior appellate forum of Revenue Appellate Authority and revisional court of the learned Board of Revenue failed to appreciate these facts and dismissed the appeal and revision petition respectively simply as time barred without touching the merits of the case, whereas the learned SDO granted the ex

parte decree on the basis of plaintiffs' claim of title based on adverse possession over the land in question which was not a fact at all.

6. Mr. L.R. Mehta also urged that the petitioner No. 1 Smt. Man Bai W/o. Kan Singh, who was a disabled man died during the pendency of this writ petition as aforesaid, whereas the defendant No. 2 Smt. Bhur Bai transferred the said suit land in question in favour of defendant No. 3 Bhagwat Singh, whose LRs. are now on record and in view of the aforesaid facts and circumstances, the impugned ex parte decree of SDO as well as orders passed by the superior revenue courts of learned Revenue Appellate Authority and the Board of Revenue deserve to be quashed and set aside by this Court by allowing the present writ petition under Article 227 of the Constitution of India as there was a breach of basic principles of natural justice for these defendants-petitioners.

7. Per Contra, Mr. Sajjan Singh, learned counsel for the plaintiff-respondent Ram Singh S/o. Kheem Singh vehemently opposed the writ petition and urged that the defendants No. 1 and 2 failed to file any application under Order 9 Rule 13 CPC seeking the setting aside of the ex parte decree of the learned SDO and therefore, at this stage, they cannot claim the setting aside of the said decree, which has been affirmed by the learned Revenue Appellate Authority and the learned Board of Revenue with the dismissal of defendants' appeal and revision petition which were filed belatedly after four years of the decree and the revision petition also has been rightly dismissed by the learned Board of Revenue by the impugned order. He also drew the attention of the Court towards the Vakalatnama filed before the learned SDO, Girwa, Udaipur by two advocates on behalf of defendants No. 1 and 2, namely, Mr. Prakash Chand Paneri and Mr. Jai Kishan Dave. He submitted that Mr. Jai Kishan Dave has put initials on the Vakalatnama and on the order sheet entry of 8.4.1981 and both initials tally and therefore, it could be assumed that the same advocate who appeared on behalf of the defendants No. 1 and 2 before the learned SDO, Girwa, Udaipur had appeared before the learned SDO, Head Quarter, Udaipur after the transfer of the case on 4.3.1981 and if he has pleaded "no instructions," it was incumbent upon the defendants No. 1 and 2 to have put in their own appearance before the said transferee court of SDO, Head Quarter, Udaipur or to engage another lawyer and to pursue their case before the said Court of SDO, Head Quarter, Udaipur and having not done that, they cannot get ex parte decree in favour of respondents-plaintiffs set aside now in the narrow scope of interference under Article 227 of the Constitution of India and this Court cannot interfere with the concurrent judgments and decrees of three revenue courts below and therefore, the present writ petition of the defendants deserves to be dismissed.

8. I have learned counsels for the parties at length and perused the record of the case and the impugned orders of the Courts below.

9. It is found useful to reproduce hereunder the scanned image of the certified copy of the order-sheet entries of the first revenue courts of both the SDO at Girwa, Udaipur and then at Head Quarter, Udaipur from its date of institution of

the suit till the date of decree, which have been produced as Annex. 2 on record from 22.5.1979 to 10.7.1981, inter alia, including the transfer of case in between these dates on 4.3.1981 from the Court of learned SDO, Girwa, Udaipur to learned SDO, Head Quarters Udaipur, including its English translation which follows the scanned image in Hindi language, thanks to now available technology which is albeit slightly faint and not clearly legible also at some places, as it is very old record of 1980s, 30 years old, but this is being done particularly to note the two post script entries of 29.7.1980 and of 8.7.1981 to show exactly the interpolations of entries about all proceedings concluded in a hot haste manner after the transfer of proceedings to SDO, Head Quarters, Udaipur on 4.3.1981, in a single day on 10.7.1981.

ENGLISH TRANSLATION OF ORDER SHEETS

22.5.79 Suit be registered. Notices be issued to defendants put up on 20.6.79.

20.6.79 Shri Prakash Chandra Paneri filed vakalatnama on behalf of Defendant Smt. Manbai and Bhuri Bai, which have been taken on record. Today SDO is on tour. Notices of defendant No. 3 have not been received after service or non service. Notices be again issued for filing written statement. Put up on 20.8.79.

20.8.79. Plaintiff with his counsel present Shri Prakash Paneri present on behalf of defendants No. 1 & 2. Notices of defendant No. 3 have not been received after service or non service. Notices be again issued and put up the case for reply on 3.9.79.

3.9.79. Plaintiff Shri Ram Singh present Shri Paneri on behalf of defendant No. 1 & 2 has filed written statement. Copy supplied to plaintiff. Notice for service on defendant No. 3 not filed, hence the same be filed now. SDO has gone to Bambora, hence put up the matter on 5.11.79 for reply of defendant No. 3.

5.11.79 Counsel for plaintiff present. Counsel for defendant No. 1 and 2 Shri Paneri present. Counsel for plaintiff has not filed process for service and notice on defendant No. 3, the same may be filed now and case be put up on 15.1.80.

15.1.80 Plaintiff present with counsel. On behalf of Shri Paneri counsel for defendant No. 1 and 2 Shri Dave appears. Process fee not filed by Counsel for plaintiff for service of defendant No. 3. Hence he is directed to process with summons within 7 days. Put up on 12.3.80. 12.3.80 Plaintiff with his advocate present. Shri Paneri present on behalf of defendant No. 1 and 2 Summons of defendant No. 3 have not been received after service on non service. Hence plaintiff should file fresh summons for defendant No. 3. Put up on 26.5.80.

26.6.80 Plaintiff with his advocate present. Shri Lalit Sharma filed brief on behalf of Shri Paneri, counsel for defendant No. 1 and 2. Matter be fixed on 29.7.80 for filing reply by defendant No. 3.

29.7.80 Plaintiff with his advocate present. On behalf of Shri Prakash Paneri for Defendant No. 1 and 2 brief holder Shri Jai Kishan Dave present. The Deputy

Collector is on leave. Put up on 29.9.80.

Note:- Upto this time, counsel for defendants No. 1 and 2 Mr. Prakash Paneri and Mr. Dave present throughout.

29.7.80 Counsel for plaintiff present. At 10.00 A.M. in morning name of advocate of defendant was called out likewise at 4.00 P.M. his name was called out. But he was not present and therefore order for taking ex parte proceedings against defendant No. 1 and 2 is being passed. Advocate for defendant No. 3 present but does not want to file any reply. Hence the suit is fixed on 10.12.80 for framing of issues and filing of documents.

Note:- In the second part of order of same date, counsels for defendants No. 1 and 2 shown absent. First part of the order of same date not referred at all.

10.12.80 Counsel for Plaintiff Shri Choradia present. Counsel for Defendant No. 3 present, S.D.O. has accompanied the minister on tour. Matter be put up on 16.12.81 for compliance of earlier order.

16.12.81 The plaintiff and advocate for Defendant No. 3 present. S.D.O. and his counsel are busy with the work of S.F.D.A. The matter be put up for framing of issues and filing of documents on 8.4.81.

8.4.81 Plaintiff present, the counsel for defendants (No name written in order sheet) has pleaded no instructions. Defendants are absent. (No separate fresh notices given to them on advocate pleading "no instructions") Hence order for taking ex parte proceedings against them announced. Matter is fixed on 23.4.81 for issues, the plaintiff should remain present.

23.4.81 Plaintiff and counsel for plaintiff present. A.C.M. (GA) has gone on Government tour. Hence the matter is fixed on 8.6.81.

8.6.81 Plaintiff with his advocate present. The advocate for plaintiff stated that he is busy before another Court, Hence the matter be fixed on some other date. His request is accepted and matter is fixed on 8.7.81.

8.7.81 Plaintiff with his advocate present. Issues framed, (inserted words with upper arrow makes, see scanned image) Statement of plaintiff and his witness Ganga recorded. Arguments heard (inserted words with upper arrow marks, see scanned image) for judgment. Put up on 10.7.81. Defendant or his counsels not present.

10.7.81 Plaintiff with his advocate present. Separate judgment written which is annexed with the file herewith and same has been pronounced.

10. From the perusal of the above order sheets and upon a closer scrutiny of the same, this Court finds a curious way of working of the Revenue Courts at the ground level at the very first level in the State. Writing of two order-Sheets scanned and reproduced above of 29.7.1980 itself casts a serious doubt, even on the integrity of the Presiding Officer, who was manning the said Court on that

date. In the absence of name of said Presiding Officer in the said order-sheet, this Court is deprived of the opportunity of initiating appropriate action against the said officer in the present writ petition, yet for the said reasons, this Court would direct the Chairman of the Board of Revenue to hold an enquiry into the matter and arrive at a finding of fact as to who was the officer and his Reader in the said Court, how and for what reasons different contradictory orders were drawn by the said Court of SDO, Girwa, Udaipur on 29.7.1980, while the first order-sheet entry recording the present of counsel for the defendants No. 1 and 2 Jai Kishan Dave and recording that Presiding Officer was on leave, the next date was fixed on 29.9.1980, the post script or the second part of the same order-sheet dtd. 29.9.1980 which bears the signature apparently of the Presiding Officer himself and the said order-sheet is not an "By order" by the Court Munsrim or Reader, as if the Presiding Officer is present in the said Court and twice the counsel for the defendants No. 1 and 2, was summoned and called at 10.00 a.m. and at 4.00 p.m., but on account of his non-appearance, the ex parte proceedings were directed to be drawn against the defendants No. 1 and 2, whereas the first part recorded the presence of Advocate Mr. Jai Kishan Dave for these defendants and date was fixed in his presence on 29.9.1980. After this, the proceedings of the case are transferred on 4.3.1981 to the SDO, Head Quarters, Udaipur, which fact is borne out not only from this order-sheet bearing initials of SDO, Headquarters, Udaipur on 4.3.1981, but from the order of the learned RAA also who noticed the fact of this transfer of case on 4.3.1981.

11. On 8.4.1981, the counsel for the defendants (name not disclosed in the order-sheet) is said to have pleaded "no instructions" for the defendants No. 1 and 2 Smt. Man Bai and Smt. Bhur Bai. The said Court of SDO. Head Quarter, Udaipur does not even care to send a fresh notice to the defendants No. 1 and 2, nor the Advocate, Mr. Jai Kishan Dave, whose signatures on the said order sheet were contended to be tallying with the signatures on the Vakalatnama perused by this Court, as pointed out by Mr. Sajjan Singh Rajpurohit had cared to send any notice or communication to the defendants No. 1 and 2 about his pleadings "no instructions" on their behalf before the said Court and reasons therefore. On 8.4.1981, the transferee Court of SDO, Head Quarter, Udaipur again declared the proceedings to be ex parte against the defendants No. 1 and 2 and on 23.4.1981, on account of learned Government Advocate of the said Court (ACM) being on Government tour, the case is adjourned to 8.6.1981. On 8.6.1981, the counsel for the plaintiffs is recorded to be busy in some other court and at his request, the case is adjourned to 8.7.1981 and on 8.7.1981, everything happens in a snap shot manner in one day. The counsel for the plaintiff is present. Issues are framed. Evidence of three persons namely, the plaintiff Ram Singh himself, Homa and Ganga are recorded Arguments are heard. Judgment is reserved and after two days, on 10.7.1981, the exparte decree declaring khatedari rights in favour of plaintiffs-respondents is passed by the said SDO. Head Quarters, Udaipur.

12. It would be the travesty of justice, if a trained judicial mind cannot smell a

rat in such proceedings in the revenue courts of SDO below and if these kind of decrees were to be allowed to stand. This Court is of the considered opinion that not only the serious miscarriage of justice resulted upon the transfer of proceedings from one Court to another not being informed to the defendants No. 1 and 2, but the miscarriage of justice further compounded when the ex parte proceedings were drawn upon no instructions," being pleaded by the advocate concerned without disclosing any reason whatsoever to the clients and the SDO concerned not giving any notice to the parties for making alternative arrangement for appearance. Such an unbecoming behavior of the advocate, in whom the rural and rusty people repose their utmost faith and treat them as their God and their savouries, can only be deprecated and condemned in strongest possible words which this Court does in the present case. It is not very clear from the recorded and order-sheet entry dtd. 8.4.1981 as to which Advocate appeared on behalf of defendants No. 1 and 2 purportedly and pleaded "no instructions" as no name is given therein. Assuming for argument sake, as Mr. Sajjan Singh Rajpurohit, learned counsel appearing for plaintiffs-respondents here, contended that same Advocate Mr. Jai Kishan Dave who appeared on behalf of defendants No. 1 and 2 previously in the court of learned SDO, Girwa, Udaipur, Mr. Jai Kishan Dave had appeared before the transferee Court of learned SDO, Head Quarter, Udaipur also, there is absolutely no justification on record for such an advocate pleading "no instructions" on behalf of defendants No. 1 and 2 without any valid rhyme or reason, much less for the learned Revenue Court of SDO, Headquarters, Udaipur to have proceeded further without informing by notice, the defendants No. 1 and 2 immediately upon counsel pleadings such "no instruction" on their behalf, to make alternative arrangement for engaging another advocate on their behalf.

13. When both the courts of learned SDO, Girwa, Udaipur and SDO, Headquarter, Udaipur declared the proceedings to be ex parte, against the defendants No. 1 and 2, who are writ petitioners before this Court twice-over, this Court is at loss to understand what happened to their sense of equity and principles of natural justice that they proceeded ex parte against the defendants No. 1 and 2 without caring to see that they are properly informed about the transfer of proceedings as also about the effect of their existing advocate pleading "no instructions" on their behalf. It is this folly on the part of the revenue courts at first level and the advocate concerned who appeared before the said Court on 8.4.1981 which makes the factual foundation of the ex parte decree in favour of the plaintiffs respondents non-existent. The fraud was definitely played upon the defendants No. 1 and 2 by the manner in which the proceedings were conducted against them in the present case. One needs to be reminded of the legal principle that fraud unravels everything and the superior Courts are duty bound to restore the position at the place where it sees the situation changed due to the fraud played upon the litigants.

14. This Court is equally concerned and pained to see that even superior revenue courts of learned RAA and learned Board of Revenue dealt with the matter in a

very casual manner. The Board of Revenue being the final fact finding body under the relevant statutes, was duty bound to go into these records and upon appreciation of entire position of facts, they should have dealt with appeal and revision respectively in an appropriate manner. The very purpose of providing these remedies in law was lost, because of such casual and uncaring attitude of the persons who man such Courts. The present case thus, presents a glaring example of Revenue Courts failing in their duty to impart justice based on relevant evidence and facts and particularly in light of facts emerging in the present case, with a disabled person Kan Singh who left behind his widow Man Bai and the daughter Bhur Bai and the mother Man Bai also dying in the meanwhile, who were deprived of their valuable title and ownership in the agricultural land measuring 12 bighas and 6 biswas situated near Udaipur and the other cousin brother-plaintiff respondent Ram Singh who claimed the title on the basis of adverse possession was declared to be the owner of the said land in the aforesaid manner. Therefore, this Court is of the firm and considered opinion that all the three orders, judgments and decrees passed by the Revenue Courts below deserve to be quashed and set aside and the present writ petition deserves to be allowed.

15. It is high time that the State Government seriously considers and reviews the manning of revenue courts also by trained judicial officers from Judiciary in consultation with the High Court.

16. Accordingly, this writ petition is allowed. The impugned order dtd. 10.7.1981 of the SDO, Head Quarter, Udaipur, order dtd. 21.2.1987 of the learned RM and the impugned order of the learned Board of Revenue dtd. 8.3.1995 are set aside. The suit is restored to the Court of SDO, who will try the suit afresh from the stage where it was on 29.7.1980. The parties or their authorized representatives may appear before the court of learned SDO, Headquarters, Udaipur on 1.7.2013 in the first instance. If they do not appear, concerned revenue court will serve fresh summons of on them. The respondents plaintiffs - LRs. of Ram Singh or any other person in possession of said suit land of 12 bighas and 6 biswas claiming through Ram Singh shall hand over the possession of the said land to the defendants-petitioners or the purchaser of the said land, defendant No. 3 or his LRs. and then all the parties shall maintain status quo of the land in question and shall not further transfer or alienate the suit land during the period of fresh trial before the learned SDO. Since 33 years have passed by since the aforesaid wrong done to the defendants, the revenue court below is directed to complete the trial expeditiously, preferably within two years from today.

17. The respondents-plaintiffs also shall pay costs of Rs. 5,000/- to the defendants No. 2 since the defendant No. 1 has already expired. The Chairman of the Board of Revenue is also directed to hold an enquiry into the matter against concerned two SDOs of Girwa Udaipur and at Head-quarter, Udaipur dealing with present revenue suit No. 26/1981 - Ram Singh vs. Man Bai right from the institution on 18.4.1979 till its decree on 10.7.1981 specially the

incumbent in office on 29.7.1980 as SDO, Girwa, Udaipur and on 8.7.1981 as SDO, Headquarters, Udaipur and take appropriate disciplinary action against them and their Munsarims/Court Readers and forward the report of such enquiry to this Court within a period of three months from today. The case may be listed in Chambers for perusal of said report of Chairman on 11.9.2013. In view of the reasons given above by this Court, the present writ petition is allowed. A copy of this order be sent to the parties concerned and the Chairman, Board of Revenue, Ajmer, Principal Secretary and the Chief Secretary of the State forthwith for needful information and action.