

(2022) 05 RAJ CK 0122

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 8712 Of 2011

Daga

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 25-05-2022

Acts Referred:

Riico Disposal Of Land Rules, 1979 — Rule 3(W)

Citation : (2022) 05 RAJ CK 0122

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Dr. Vikas Balia, Hemant Ballani, Sanjeet Purohit

Final Decision : Disposed Of

Judgement

Vinit Kumar Mathur, J

The case is listed in the 'Orders' category however, with the consent of the learned counsel for the parties, the matter is being heard and decided finally today itself.

The present writ petition has been filed with the following prayers :-

"(A) by an appropriate writ, order or direction, the impugned letter dated 19.07.2011 (Annex.9 & 10) rejecting the application for allotment of land may kindly be declared illegal and be quashed;

(B) By an appropriate writ, direction or order, the respondent RIICO may kindly be directed to allot land for establishment for factory in Boranada area."

Learned counsel for the petitioner submits that the application preferred by the petitioner was as per the policy of the respondents but the land was not allotted to the petitioner as a preferential allotment of land under Rule 3(W) of the RIICO Disposal of Land Rules, 1979. He submits that the rejection of the application so preferred by the petitioner was absolutely illegal and arbitrary. He, therefore, prays that the instant writ petition may be allowed and the respondent-RIICO

may be directed to allot the land as asked for in the application made.

Per contra, learned counsel for the respondents submits that along with the petitioner's application, there were 10 more applications and same were also rejected vide order dated 19.07.2011 on the account of the fact that no industrial land was available with the RIICO for allotment to the petitioner as well as other similarly situated persons.

Learned counsel further submits that the controversy in hand is squarely covered by the judgment of Division Bench of this Court in the case of D.B. Special Appeal (Writ) No. 86/2017 (RIICO & Anr. Vs. M/s. HNB Asia Limited & Ors.) decided on 05.09.2019. It is further contended by the learned counsel for the respondents that Rule 3(W) of the RIICO Disposal of Land Rules, 1979 has been deleted and, therefore, the application so preferred by the petitioner for allotment of 20,000 square meters of land cannot be honoured by them.

I have considered the submissions made at the bar and have gone through the relevant record of the case.

It is true that the application was preferred by the petitioner as per Rule 3(W) of RIICO Disposal of Land Rules, 1979. However, due to non-availability of the land for allotment to the petitioner and other similarly situated persons, the same was rejected by the RIICO. It is also admitted that during the pendency of this writ petition, Rule 3(W) of RIICO Disposal of Land Rules, 1979 has also been deleted.

In view of the Division Bench judgment dated 05.09.2019 passed by this Court in the case of RIICO & Anr. Vs. M/s. HNB Asia Limited & Ors., the rules prevailing on the date of allotment shall be taken into consideration and since Rule 3(W) of RIICO Disposal of Land Rules, 1979 has been deleted and no such rule for allotment of 20,000 square meters of land to be allotted on preferential basis is in existence, the same cannot be granted to the petitioner.

Thus, the instant writ petition is bereft of merit and the same is hereby dismissed.

The stay petition and other pending applications, if any, shall stand disposed of accordingly.