
(2020) 09 RAJ CK 0188

In the Rajasthan High Court

Case No : Civil Writ Petition No. 9456 Of 2020

Dashrath Singh And Ors

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 21-09-2020

Acts Referred:

Citation : (2020) 09 RAJ CK 0188

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : Sharwan Singh Nirban, Manish Tak

Judgement

Mr. Sharwan Singh Nirban, learned counsel for the petitioners has submitted that the petitioner owns/possesses land, yet the respondents are not providing irrigation facilities to the petitioners in view of the litigation though they are having interim order in their favour.

Learned counsel for the petitioners also contended that number of petitions involving identical grievance have been allowed by this Court, vide judgment dated 25.01.2016, passed in a bunch of writ petitions led by SBCWP No.13842/2015 (Gulsher Khan Vs. State of Rajasthan & Ors.); which has been duly followed by another Coordinate Bench decision dated 24.10.2017 passed in SBCWP No.11508/2017 (Gemar Singh Vs. State of Rajasthan & Ors.).

Mr. Manish Tak, learned counsel appearing for the respondents in principal agreed that the issue is broadly covered, he, however, apprehended that in guise of the judgment of this Court, the petitioner is seeking irrigation facilities to his land, even he is not in command area.

Having heard rival submissions, the present writ petition is disposed of in terms of the following directions given by this Court in the cases of Gulsher Khan and Gemar Singh (supra), with further directions that the petitioners shall be given irrigation facilities only if, their land(s) fall in the command area.

1. The petitioners shall approach respective Executive Engineer of IGNP Department by 15.10.2020 and furnish documentary evidence regarding their ownership and title of the agriculture lands, which is in their possession.

2. The petitioners, who are not having any documentary evidence regarding their ownership and title of the said agriculture land but their dispute regarding title of the said agriculture land is pending either before departmental authorities or before competent courts and stay order is passed in their favour, can also furnish copies of said stay order passed by the departmental authorities or competent courts in his favour by 15.10.2020.

3. The respective Executive Engineer of IGNP Department after verifying the documentary evidence, furnished by the petitioners, or after taking into consideration the stay order passed in their favour by the departmental authorities or competent courts shall consider the cases of the petitioners for inclusion of their names in barabandi for ensuing years strictly in accordance with law.

4. It is made clear that the petitioners, who are presently getting the irrigation facilities to their agriculture fields, will continue to get the same till next barabandi is fixed by the IGNP Department.

5. In case land(s) for which the petitioners are claiming irrigation facilities, do not fall in cultivable command area, the respondents shall not be bound to provide irrigation facility/barabandi.

The stay application also stands disposed of accordingly.