

(2013) 12 RAJ CK 0084
In the Rajasthan High Court
Case No : Civil Writ Petition No. 20/2011

Dhariwal Property

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 18-12-2013

Acts Referred:

Citation : (2014) 2 WLN 269

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Gopal Krishan Vyas, J.—Heard learned counsel for the petitioner. In this writ petition, the petitioner is challenging the validity of the order dt. 13.12.2010 passed by District Collector, Banner upon application filed under Sec. 86 of the Raj. Land Revenue Act by the Tehsildar, Barmer to review the order of conversion passed on 07.04.2010.

2. Learned counsel for the petitioner submits that the order of conversion was passed on 07.04.2010, thereafter, an application was filed by the Tehsildar, Barmer to review the order of 02.12.2010 in which the notices were issued on 09.12.2010 and without providing reasonable opportunity of hearing, the District Collector set aside the order of conversion while accepting the review petition on 13.12.2010. As per contention of the petitioner, the review petition filed on 02.12.2010 is decided by the District Collector, Barmer within fifteen days from the date of filing review petition, that too, without providing reasonable opportunity of hearing in very haste manner. Further, it is submitted that the said review petition was also barred by time but without any application for condonation of delay, condoned the delay, therefore, the order passed by the Districted Collector, Barmer dt. 13.12.2010 may be quashed because it is illegal order. Learned counsel for the petitioner while attacking upon the order impugned submits that the District Collector, Barmer was under obligation to provide some breathing time to the petitioner to submit his grounds for not

reviewing the order dt. 07.04.2010 but he has decided the review petition in very haste manner.

3. After hearing the parties, this Court is of the opinion that the order dt. 13.12.2010 passed by the District Collector, Barmer is not sustainable in law. Consequently, this writ petition is allowed and the order dt. 13.12.2010 passed by District Collector, Barmer is hereby quashed and set aside and case is remitted to the District Collector, Barmer with direction to decide the review application afresh after providing opportunity of hearing and granting opportunity to file reply to the petitioner within two months.