

(2024) 09 RAJ CK 1115

In the Rajasthan High Court, Jodhpur Bench

Case No : Civil Writ Petition No. 101 Of 2004, Connected With Civil Writ Petition No. 100 Of 2004, Civil Writ Petition No. 6655 Of 2003

Babu Lal Sain And Anr

APPELLANT

Vs

Board Of Revenue Ajmer And Ors

RESPONDENT

Date of Decision : 18-09-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439, 446
Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 8, 18, 37, 50, 52(A), 52(A)(2)

Citation : (2024) 09 RAJ CK 1115

Hon'ble Judges : Rajendra Prakash Soni, J

Bench : Single Bench

Advocate : Bhagirath Ray Bishnoi, Shrawan Singh

Final Decision : Allowed

Judgement

Avneesh Jhingan, J

1. These petitions are decided by common order as facts and issues involved are similar. For the sake of convenience, the facts are being taken from S.B. CWP No.101/2004.

2. The brief facts are that the petitioners are the members of the Krishi Sahkari Samiti Anya Jati (hereinafter referred to as "Society") of village Bagru Kalan Tehsil Sanganer. On 08.07.1959, agricultural land measuring 319 bighas 5 biswas situated at village Bagru Kalan was allotted in favour of the Society under the Land Revenue (Allotment of Land to Cooperative Societies) Rules, 1959. The society handed over possession of land to the members. On an enquiry held by Commission headed by Retired Chief Justice, cancellation of the allotment of the land in favour of the Cooperative Society on account of violation of the terms and conditions was recommended. Cancellation order was passed by the Additional Collector-Ist, Jaipur dated 16.05.1997. The appeal preferred by society was dismissed on 24.11.1997. The second appeal before the Board of Revenue had

similar fate. The order of the Board of Revenue dated 25.09.2002 was assailed by the Society by filing of SBCWP No.302 of 2007. The writ petition was dismissed on 09.02.2007. The DB Special Appeal Writ No.545 of 2007 titled as Krishi Sahakari Samiti Anya Jati Versus Board of Revenue for Rajasthan, Ajmer & Ors. was dismissed on 02.11.2017.

3. Learned counsel for the petitioners submits that the petitioners are the members of the society and have been affected by the cancellation of the allotment of the land to the society. The contention is that there was no violation of terms and conditions and the respondent erred in cancelling the allotment after more than thirty years.

4. Learned counsel for the respondents submits that the allotment was made to the Society for a specific purpose. On an enquiry held it was found that the terms and conditions of allotment were violated. The submission is that cancellation of the allotment was upheld by Division Bench of High Court. The issue of cancellation of allotment of land has attained finality.

5. It is undisputed fact that the land was allotted to the society and the cancellation order was passed against the society. The remedies against the cancellation of the allotment of land were availed by the society. The cancellation order was upheld by the Division Bench of this Court. There is nothing produce before this Court that order of the Division Bench was challenged further.

6. The grievance in the present petitions is to the cancellation order dated 16.05.1997, cancelling the allotment of land to the Society. The order has been upheld by Division Bench of this Court in D.B. Special Appeal Writ No.545 of 2007 and has attained finality, in such circumstances, no interference is called for.

7. The petitions are dismissed accordingly.