(1997) 02 RAJ CK 0037

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2249 of 1987

Firm Murlidhar Ishwardas — APPELLANT

Vs

The State of Rajasthan and Others — RESPONDENT

Date of Decision : 25-02-1997

Acts Referred:
Constitution of India, 1950 — Article 227

Citation : (1997) 2 RLW 781 : (1997) 2 WLC 437 : (1997) 1 WLN 218

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.J. Shethna, J.—It is unfortunate that this petition of 1987 challenging the impugned order passed by the Revenue Board on 13.5.1987 (Ex. 3) has reached final hearing today, almost after 10 years. The impugned order passed by the Board of Revenue allowing the revision petition filed by the State Govt. and setting aside the order passed by the Revenue appellate authority on 19.2.1979 remanding the matter to the Tehsildar to decide it in accordance with law is absolutely a shocking order. Even if the Court is confirming the order passed by its sub-ordinate court then also it is required to record some reasons, if not detail reasons. While concurring the order passed by the courts below atleast it is required to assign proper reasoning. It cannot straight away allow the matter in two lines by stating that both the parties were heard and the order passed by the subordinate court is considered. The submissions made by the Govt. Advocate are required to be accepted and hence the matter is to be allowed. This has been done by the Revenue Board in the instant case while allowing the revision petition filed by the State Govt. the Revenue Board has observed as under:

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2. Learned Counsel shri Singhvi for the respondent was very much right in submitting that the Revenue Board had jurisdiction to pass the order and it has decided against the petitioner. Therefore, this Court should not exercise its powers under Article 227 of the Constitution of India when writ of certiorari is asked for But, the question is whether the Revenue Board has at all exercised its jurisdiction. The manner in which the Revenue Board has allowed the revision petition and set aside the order passed by the revenue appellate authority is highly deplorable. It amounts to non exercise of jurisdiction vested in the Revenue Board. Hence, this Court has no alternative but to interfere and set aside the impugned order at Ex. 3 dated 13.5.1987.

3. Accordingly, this petition is allowed. The impugned order at Ex. 3 dated 13.5.1987 passed by the Revenue Board is set aside. The matter is remanded to the Board of Revenue with a direction that petitioner shall personally remain present before the Board of Revenue at first instance on 17.3.1997. On that date the Revenue Board shall give a fix date of hearing and decide the same as early as possible, as this is an old case, not later than 30.5.1997. The petitioner shall cooperate with the hearing. The Revenue Board shall decide the revision petition afresh by a well reasoned order. There shall be no order as to costs.

