
(2024) 04 RAJ CK 0002
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4402 Of 2024

Gawar Khan

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 01-04-2024

Acts Referred:

Citation : (2024) 04 RAJ CK 0002

Hon'ble Judges : Dr. Nupur Bhati, J

Bench : Single Bench

Advocate : Manas Khatri, Rajdeep Singh Chouhan, Manish Tak

Final Decision : Disposed Of

Judgement

Dr.Nupur Bhati, J

1. Mr. Rajdeep Singh Chouhan for Mr. Manish Tak, learned Dy. Govt. Counsel puts in appearance on behalf of the respondents.
2. At the outset, learned counsel for the petitioner submits that the controversy involved in the present writ petition is squarely covered by the judgment dated 25.01.2016 passed in a bunch of writ petitions led by S.B. Civil Writ Petition No.13842/2015 (Gulsher Vs. State of Rajasthan), which has been duly followed by another coordinate Bench in decision dated 24.10.2017 passed in SBCWP No.11508/2017 (Gemar Singh Vs. State of Rajasthan & Ors.).
3. Learned counsel for the petitioner submits that the petitioner owns/possesses land, yet the respondents are not providing irrigation facilities to the petitioner in view of the litigation, though he is having interim order in his favour.
4. Mr. Rajdeep Singh Chouhan for Mr. Manish Tak, Dy. Govt. Counsel appearing for the respondents in principal agreed that the issue is broadly covered, however, apprehended that in guise of the judgment of this Court, the petitioner is seeking irrigation facilities to his lands, even when they are not in the command area.

5. 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 petitioner shall be given irrigation facilities only, if, his land(s) fall in the command area.

“(i) The petitioner shall approach respective Executive Engineer of IGNP Department within two weeks from today and furnish documentary evidence regarding their ownership and title of the agriculture lands, which is in their possession.

(ii) The petitioner, who is not having any documentary evidence regarding his ownership and title of the said agriculture land but the 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 within two weeks from today.

(iii) The respective Executive Engineer of IGNP Department after verifying the documentary evidence, furnished by the petitioner, 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 petitioner for inclusion of his names in barabandi for ensuing years strictly in accordance with law.

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

(v) In case land(s) for which the petitioner is claiming irrigation facilities, do not fall in culturable command area, the respondents shall not be bound to provide irrigation facility/barabandi.”

6. The stay application also stands disposed of accordingly.