
(2024) 05 RAJ CK 0106
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6406 Of 2024

Gita Mundra And Others

APPELLANT

Vs

Kishanlal And Others

RESPONDENT

Date of Decision : 10-05-2024

Acts Referred:

Citation : (2024) 05 RAJ CK 0106

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Rajesh Joshi, Devesh A. Purohit

Final Decision : Disposed Of

Judgement

Vinit Kumar Mathur, J

1. Heard learned Senior Counsel for the petitioner.

2. The present writ petition has been filed with the following prayers:-

“(i) The impugned order dated 27.07.2023 passed by the learned Board of Revenue in Revision TA 3603/2023 may kindly be quashed and set aside.

(ii) The record of appeal no.41/2021 (Lachha vs. M/S Archi Arcade & Ors.) which is before the learned Board of Revenue may kindly be directed to be sent back of learned Revenue Appellate Authority, Udaipur.

(iii) Any other order passed during the pendency of the writ petition may be taken on record and quashed and set aside.”

3. Learned Senior Counsel for the petitioner does not press the other prayers except prayer (ii).

4. Learned Senior Counsel submits that an appeal was filed by the private respondents before the learned Revenue Appellate Authority, Udaipur against the final decree dated 12.10.2017. In the appeal pending before the Revenue

Appellate Authority, an application was filed by the appellant for impleadment of Urban Improvement Trust as party respondent in the appeal proceedings, however, the application preferred by the appellant was rejected vide order dated 04.07.2023 (Annex.5). Against the order dated 04.07.2023, the appellant respondent herein preferred a revision petition before the Board of Revenue and the same was registered as Revision T.A. No.3603/2023. In the revision petition preferred by the respondent-appellant, the Board of Revenue vide order dated 27.07.2023 passed an interim order and called for the record of learned Revenue Appellate Authority, Udaipur.

5. Learned Senior Counsel for the petitioner submits that after passing of the order dated 27.07.2023, the matter is being listed before the Board of Revenue and since there are number of party respondents in the present case, thus, for some reason or the other, service is not effected and therefore, the matter is being adjourned.

6. Learned Senior Counsel further submits that the record of the Revenue Appellate Authority, Udaipur has been called and the same is lying with the Board of Revenue. He further submits that in absence of service upon the respondents, the matter is not being taken up for hearing and by virtue of the record being present in the Board of Revenue, no proceedings before the Revenue Appellate Authority, Udaipur can take place. He, therefore, prays that the Board of Revenue may be directed to permit the petitioner to place on record certified copies of all requisite documents and order-sheets to the satisfaction of the Board of Revenue for disposal of the pending Revision T.A. No.3603/2023 and the record of the Revenue Appellate Authority, Udaipur may be sent back.

7. Considering the limited prayer made by learned Senior Counsel for the petitioner, the present writ petition is disposed of with a direction to the Board of Revenue that if the petitioner prefers an application for placing on record certified copies of all requisite documents to their satisfaction, the same shall be entertained and allowed and at the same time, after receipt of such certified copies of requisite documents, the record of the Revenue Appellate Authority, Udaipur be sent back for disposal of the pending appeal.

8. In view of the discussion made above, the present writ petition is disposed of.