

(2020) 02 RAJ CK 0358
In the Rajasthan High Court
Case No : Civil Writ Petition No. 10179 Of 2018

Gopa Ram Meghwal And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 20-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0358

Hon'ble Judges : Sangeet Lodha, J;Dr. Pushpendra Singh Bhati, J

Bench : Division Bench

Advocate : Manoj Bhandari, Rekha Borana, Vaishali Parihar, Akhilesh Rajpurohit, Milap Chopra, Pappu Devi, Pappu Devi

Final Decision : Disposed Of

Judgement

1. This writ petition has been filed by the petitioners seeking directions to the respondents to refrain from constituting a new revenue Village Chelana

Nagar by bifurcating the existing revenue village Lunawas Kallan, which falls within the territorial limit of Gram Panchayat Lunawas Kallan, Tehsil

Luni, District Jodhpur.

2. Precisely, the case set out by the petitioners is that no resolution was adopted by the Gram Panchayat, Lunawas Kallan proposing constitution of a

new Village Chelana Nagar, out of existing village Lunawas Kallan. It is submitted that the resolution dated 9.12.15 forwarded to the State

Government proposing the constitution of new revenue village is a forged document, which is prepared by then Upsarpanch of Gram Panchayat,

Lunawas Kallan in connivance with Gram Sewak and Patwari and thus, the entire proceedings initiated for the constitution of new revenue village on

the basis of such resolution, which was never adopted by the Gram Panchayat

stands vitiated. It is submitted that subsequently, the Gram Sabha in its meeting held on 24.4.18 has adopted a specific resolution not to constitute the new revenue village and cancel the proceedings already initiated in this regard.

3. Vide order dated 30.1.2020 passed by this Court, directed the respondents to produce the original record of the proceedings taken by the Gram

Panchayat/Gram Sabha, Lunawas Kallan proposing constitution of new revenue Village Chelana Nagar. That apart, Smt. Pappu Devi, holding the post

of Sarpanch, at the relevant time was directed to remain present before this Court.

4. Pursuant to the order passed as aforesaid, the original register containing the proceedings of meeting of Gram Panchayat dated 9.12.15 is produced

before us by learned Additional Advocate General. A bare perusal of the proceedings reveals that no resolution was adopted by the Gram Panchayat

on that day proposing constitution of new revenue village as aforesaid. The resolution no.4 adopted by the Gram Panchayat is altogether a different

resolution and not the one which was forwarded to the State Government proposing constitution of the new revenue village. Smt. Pappu Devi, then

Sarpanch of Gram Panchayat, Lunawas Kallan, confirms that no resolution as alleged was adopted by the Gram Panchayat for constitution of

Chelana Nagar by bifurcating the existing Village Lunawas Kallan. She states that the resolution on the basis of which the proceedings for constitution

of new revenue Village Chelana Nagar was initiated, is a forged document, appears to have been prepared by then Upsarpanch in connivance with

the officials of the Gram Panchayat.

5. Learned Additional Advocate General fairly submits that since the proposal for constitution of new revenue Village Chelana Nagar was processed

on the basis of the resolution said to have been adopted by the Gram Panchayat in its meeting held on 9.12.15 and since the same is found to be

forged, the State Government does not intend to take any further proceedings for constitution of the new revenue village as proposed. Learned AAG

submits that the State Government shall take the appropriate steps to book the persons, who were indulged in preparing the forged resolution of the

Gram Panchayat.

6. In view of the categorical stand of the State Government as aforesaid, no

further order is required to be passed by this Court in the present writ petition (PIL), the same is disposed of accordingly. However, the State Government is directed to take the appropriate proceedings against the unscrupulous persons, who were indulged in preparing the forged documents.