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**(2011) 02 RAJ CK 0116**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 189 of 2011**

Kailash and Others

APPELLANT

Vs

The Board of Revenue and Others

RESPONDENT

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**Date of Decision :** 28-02-2011

**Acts Referred:**

**Citation :** (2011) 02 RAJ CK 0116

**Hon'ble Judges :** Mohammad Rafiq, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Mohammad Rafiq, J.—All courts below have decided concurrently against Petitioners that Plaintiff-Respondents are predecessor-in-title of Gyarsa Son of Nanu, who was original khatedar of land in dispute bearing khasra No. 36, old khasra number whereof was 18, and prior to that this land was in khasra No. 16. This has been corroborated from "milan kshetrphal" (Exhibits No. 3 and 4). All the courts have noticed from register of "nakal chakbandi" of samvat 1994-2003 that this land was recorded in name of Gyarsa son of Nanu, predecessor in title of Plaintiff-Respondents. The "patta" dated 02.01.1948 (Exhibit-8) also contains name of Gyarsa son of Nanu for land of Khasra No. 18. The "khasra girdawari" of Samvat 2008 to 2011 (Exhibit 26), "khasra girdawari" of Samvat 2011 to 2014 (Exhibit 27) and "khasra girdawari" of Samvat 2014 to 2017 also clearly indicate that land in dispute was recorded in name of Gyarsa Son of Nanu and was continuously in his possession. Plaintiff also produced receipts of payment of land revenue (Exhibits 11 to 15). The courts below have concurrently held that Plaintiffs were in possession of land in dispute.

2. Learned Counsel for Petitioners submitted that the land was recorded in name of Gyarsa Son of Nathu, predecessor-in-title of Defendant-Petitioners, from Samvat 2033 onwards and not predecessor-in-title of Plaintiff Gyarsa son of Nanu. Respondents, seeking advantage of this fact, have tried to confuse the issue by claiming this land to have been recorded in the name of Gyarsa Son of

Nanu. The patta issued for the land situated in Jhunjhunu could not be relied. Petitioners are in possession of the land. It is argued that latest entries should prevail over old entries. The learned Revenue Appellate Authority and learned Board of Revenue both have committed error in not appreciating the evidence on record and judgments/orders passed by them are suffering from error apparent on the face of record. There were contradictions between statements recorded of the witnesses on behalf of Plaintiffs. Reference is made to one witness Sheopal and it is argued that he stated that he was not having any knowledge about the fact that Nanu and Nathu are different persons. According to learned Counsel for Petitioners Nanu was also called as Nathu and vice-versa and prayed that it was only one person and not two persons.

3. Having heard learned Counsel for Petitioners and perusing judgments, I find that the suit filed by the Plaintiff-Respondents has been decreed for correction in entries and declaration. All the courts have decided the matter against Petitioners not only on the question of possession but also held that there was no basis on which settlement could have entered in name of Gyarsa Son of Nathu in the revenue records from Samvat 2033 onwards and this obviously could not have been done in the face of entries of Gyarsa Son of Nanu as khatedar in the land in dispute from Samvat 1994 onwards till disputed by the Respondents. When this issue has been concurrently decided against Petitioners on appreciation of evidence, mere subsequent entries cannot be accepted on the plea that latter entries should prevail over old entries. In fact the suit for correction in entries was filed only because the rival entries were made in revenue record seeking to deprive Plaintiff-Respondents of their property. So far the question of possession, all the courts have decided in favour of Plaintiff-Respondents and against Petitioners.

4. I find no merit in this writ petition and same is dismissed.