
(2000) 08 RAJ CK 0065
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4465 of 1998

Kalu Ram

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 03-08-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2000) 4 RLW 271 : (2001) 1 WLC 205 : (2001) 1 WLN 103

Hon'ble Judges : Sunil Kumar Garg, J;B.J. Shethna, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

B.J. Shethna, J.—The petitioner Kalu Ram in his capacity as a social worker of Village Vijaypura, has filed this petition as a public interest litigation under Article 226 of the Constitution and challenged the impugned judgment and order dated 16.3.1998 (Annx. 1) passed by learned District Collector, Rajasamand dismissing the revision petition filed by the State for cancellation of the patta issued in favour of the private respondents.

2. When the State of Rajasthan had filed revision petition before the District Collector and the same was dismissed, then in our considered opinion, if at all any one was aggrieved, then it was the State who should have come in the writ petition before this Court against the impugned order at Annex. 1. When the present petitioner was nowhere in the picture before the District Collector in the revision petition, then merely because the revision petition filed by the State was dismissed, he had no right to challenge the same as a public interest litigation. Thus, he has no locus standi to challenge the same.

3. Still we have carefully gone through the impugned order at Annex. 1 passed by the District Collector dismissing the revision petition and we are fully convinced that the District Collector has not committed any error which calls for interference by this Court in its supervisory jurisdiction under Article 227 of the

Constitution of India.

4. It is true that the State of Rajasthan had filed as many as 72 revision petitions before the District Collector, Rajasamand for cancellation of the patta issued by the respondent Gram Panchayat in favour of the private respondents and she had allowed as many as 52 petitions and cancelled the patta issued in favour of some of the private respondents. But at the same time, she has dismissed about 13 revision petitions filed by the State by separate orders mainly on the ground that in those cases, the Panchayat Samiti, Devgarh had already approved the sale of the land way back on 31.12.199] and it would not be proper to interfere with such order of grant of patta after a period of almost six years, when the revision petition was filed by the State in 1996. Thus, merely because the learned Collector allowed 52 revision petitions of similar nature that does not mean that the impugned orders passed by the District Collector in remaining 13 revision petitions was wrong. When the facts of those 13 cases were distinguishable, then in our considered opinion, the learned Collector was fully justified in dismissing the revision petitions filed against 13 those persons who mainly belong to a lowly strata of the society i.e. Scheduled Caste/Scheduled Tribe category.

5. In that view of the matter, we do not see any reason to entertain this petition on merits also. Accordingly, this petition fails and is dismissed.

6. Stay petition is also dismissed.

7. Interim relief, if any, granted earlier stands vacated forthwith.