

(2013) 04 RAJ CK 0011
In the Rajasthan High Court
Case No : Civil Writ Petition No. 506 of 2013

Kamala @ Kamali (Smt.)	Vs	APPELLANT
The Collector and District Magistrate and Others		RESPONDENT

Date of Decision : 15-04-2013

Acts Referred:

Citation : (2013) 4 WLN 52

Hon'ble Judges : Narendra Kumar Jain, J; Meena V. Gomber, J

Bench : Division Bench

Advocate : S.C. Gupta, for the Appellant;

Final Decision : Dismissed

Judgement

Narendra Kumar Jain, J.—Heard learned counsel for petitioner. The petitioner has preferred this Public Interest Litigation on 04.01.2013 before this Court with the following prayers:-

(a) Pleased to hold that the allotment/transfer of the perpetual minor Deity's property i.e. agricultural land through the allotment letter dt. 21.4.1988 (Annexure-7 & Annexure-8) is not only forged, without jurisdiction, illegal but also non-est and void ab-initio.

(b) Pleased to order that the transfer of the Deity's agricultural land through change of revenue entries in the revenue record and sale deeds dt. 8.3.2007 and 23.10.2001 are illegal without any authority and void ab-initio.

(c) Pleased to order that the mutation of the Deity's agricultural land belonging to the Khasra no. 759, 761 and 763 situated at Neem Ka Thana, District Sikar, in favour of the private persons is illegal and non-est.

(d) The respondent Collector, Commissioner Devsthan & the other respondent State Authorities/officials may be directed to protect and safeguard the agricultural land in question belonging to the perpetual minor Deity Shri Nrihsingh Ji Maharaj at Neem Ka Thana, and further nobody including the private

respondents should be allowed to grab/usurp the same in any manner whatsoever.

(e) The private respondent may be restrained from dispossessing the Deity from the land in question and further they may be restrained from raising construction thereupon.

2. Submission of learned counsel for petitioner is that petitioner is a social worker and elected councilor of Municipal Board, Neem Ka Thana. The allotment letter in question was in respect of land belonging to Deity, therefore, the same could not have been allotted or transferred. Therefore, the original allotment letter issued subsequently and also sale deeds be quashed and set aside. He also submitted that the Collector and Commissioner Devsthan be directed to protect and safeguard the agricultural land in question. In support of his submissions, he referred Veruareddi Ramaraghava Reddy and Others Vs. Konduru Seshu Reddy and Others, B.L. Bakiwala vs. Jaipur Development Authority & Others, 1993 (1) WLC 306, and Delhi Jal Board Vs. National Campaign for Dignity and Rights of Sewerage and Allied Workers and Others,

3. We have considered the submissions of the learned counsel for petitioner. So far as case law referred by the learned counsel for petitioner is concerned, we have gone through the judgments, and after considering the same, we are satisfied that they are not at all applicable in the facts and circumstances of the present case.

4. Pursuant to the prayers made in the writ petition, it is clear that the Writ Petition has been preferred in the year 2013 to quash the allotment letter issued way back in the year 1988. Challenge has been made after 25 years. Although the petitioner has described Annexures 7 and 8 as allotment letter, but from perusal of Annexure 8 it is clear that it is a lease deed. So far as Annexure-7 is concerned, the same is appealable. The lease deed executed in the year 1988 has been challenged in the year 2013. So far as representation made by petitioner to the Collector, Annexure-1, is concerned, it does not give the date as to when it was made.

5. After considering all the facts and circumstances of the case, we are of the view that present litigation cannot be said to be a Public Interest litigation. Moreover, the prayers made in the Writ Petition cannot be granted after the expiry of 25 years in the name of Public Interest Litigation. The petitioner is free to avail alternative remedy, if any, available to her, before appropriate authority, in accordance with law. With the aforesaid observations, the Writ Petition as well as Stay Application, are dismissed.